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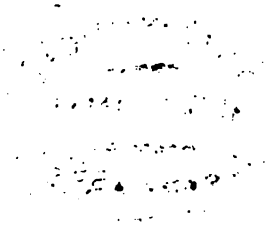

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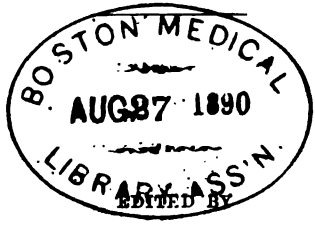

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Monsieur F. Le Play, Conseiller d'Etat, &c., Place-Saint Sulpice, No. 6, Paris.
Monsieur Le Dr. Schubert, Königsberg.
Monsieur W. H. Suringar, Président de Mettray, Amsterdam.
Monsieur Le Dr. Susani, Professeur de Mécanique Industrielle à la Société des Arts, Milan.
Monsieur Le Dr. Varrentrapp, Francfort-sur-Main.
Monsieur A. Visschers, Conseiller au Conseil des Mines, Rue Royale, No. 106, Bruxelles.
Count Zamoyski, Cracow, Russia.

HONORARY MEMBERS.

Mrs. John Knox, London.
Miss Mary Carpenter, Bristol.

OFFICERS OF THE ASSOCIATION FOR 1871-72.

President.

The Right Hon. Sir John S. Pakington, Bart., M.P., G.C.B.

Vice-Presidents.

The Right Hon. Earl Russell, K.G.
The Right Hon. Earl of Shaftesbury, K.G.
The Right Hon. Lord Dufferin and Clandeboye.
The Right Hon. Earl of Carnarvon.
The Right Hon. Sir Stafford Northcote, Bart., M.P.
His Grace The Duke of Northumberland.

Presidents of Departments.

I. W. Vernon Harcourt, Q.C., M.P.
II. Edward Baines, M.P.
III. George Godwin, F.R.S.
IV. William Newmarch, F.R.S.

President of Council.

George Woodyatt Hastings.

General Secretary.

Edwin Pears.

Foreign Secretary.

John Westlake.

Treasurers.

W. Strickland Cookson. | William Hawes.

Secretaries of Departments.

I. H. N. Mozley.	A. Herbert Safford.
II. Rev. Brooke Lambert.	Rev. Nash Stephenson.
III. William Clode.	William Hardwicke, M.D.
IV. E. W. Hollond.	Rev. S. A. Steinthal.

Auditors.

Francis Fuller. | John Knox.

Assistant Secretary.

James Robinson.

Bankers.

The London and Westminster Bank, 1, St. James's Square, S.W.
Messrs. Ransom, Bouverie, & Co., 1, Pall Mall East, S.W.

Office of the Association.

1, Adam Street, Adelphi, London, W.C.

LOCAL OFFICERS OF THE LEEDS MEETING.

Vice-Presidents.

The Worshipful The Mayor of Leeds.
The Worshipful The Mayor of Barnsley.
The Worshipful The Mayor of Batley.
The Worshipful The Mayor of Bradford.
The Worshipful The Mayor of Dewsbury.
The Worshipful The Mayor of Halifax.
The Worshipful The Mayor of Sheffield.
The Worshipful The Mayor of Wakefield.
His Grace The Duke of Devonshire.
The Right Hon. The Earl of Harewood.
The Right Hon. The Earl of Mexborough.
The Right Hon. Lord Halifax.
The Right Hon. Lord Bolton.
The Right Hon. Lord Houghton.
The Right Hon. Lord Wharncliffe.
Lord Frederick C. Cavendish, M.P.
The Right Rev. Lord Bishop of Ripon.
The Right Hon. Sir Joseph Napier.
Sir John W. Ramsden, Bart., M.P.
Sir Titus Salt, Bart.
Sir Charles Lowther, Bart.
Sir Andrew Fairbairn.
The Very Rev. The Dean of Ripon.
The Very Rev. The Dean of York.
The Ven. Archdeacon Musgrave.
The Rev. Canon Sale, D.D.
The Rev. Canon Woodford, D.D.
Edward Baines, M.P.
Somerset Beaumont, M.P.
R. M. Carter, M.P.
C. B. Denison, M.P.
John Dent Dent, M.P.
Joshua Fielden, M.P.
E. A. Leatham, M.P.
C. M. Norwood, M.P.
Mr. Serjeant Simon, M.P.
W. St. J. Wheelhouse, M.P.
Darnton Lupton.

Treasurer.

W. B. Denison.

Secretaries.

Thomas Wilson.
Darnton Lupton, Jun.
John Edwin Eddison, M.D.
Stephen A. Marshall.

Secretaries of Departments.

I.—*Municipal Law Section.*—Thomas Marshall.
Repression of Crime Section.—J. Rawlinson Ford.
II.—*Education.*—Henry H. Sales.
III.—*Health.*—T. Clifford Albutt, M.D. M. K. Robinson, M.D.
IV.—John Barran, Jun. William Hirst.

Executive Committee.

The Worshipful The Mayor of Leeds, Chairman.

John Barran, Jun.
Rev. J. Blomefield.
Thomas Dawson.
J. R. Ford.
J. D. Heaton, M.D.
James Holroyd.
J. I. Ikin.
Rev. Edward Jackson.
W. G. Joy.
Arthur Lupton.
Darnton Lupton.
Thomas Marshall.
M. K. Robinson, M.D.
H. H. Sales.
Rev. F. J. Wood.
Rev. Canon Woodford.

Assistant Secretary.

William Hirst.

PRESIDENTS AND VICE-PRESIDENTS OF DEPARTMENTS OF THE LEEDS MEETING.

I.—JURISPRUDENCE AND AMENDMENT OF THE LAW.

President.

W. VERNON HARCOURT, Q.C., M.P.

MUNICIPAL LAW SECTION.

Vice-Presidents.

WILLIAM BRUCE (Stipendiary Magistrate, Leeds).
Mr. Serjeant COX (Deputy Judge of the Middlesex Sessions, Recorder of Portsmouth).
W. T. S. DANIEL, Q.C. (County Court Judge).
ANDREW EDGAR, LL.D.
ARTHUR HOBHOUSE, Q.C.
Professor LEONE LEVI, F.S.A.
J. B. MAULE, Q.C. (Recorder of Leeds).

REPRESSION OF CRIME SECTION.

Chairman.

The Right Hon. LORD TEIGNMOUTH.

Vice-Chairmen.

Captain ARMYTAGE.
Right Hon. Sir WALTER CROFTON, C.B.
Rev. JOHN FIELD (Visiting Justice of N.R. Prisons).
Rev. EDWARD JACKSON.
J. H. KENNAWAY, M.P.
E. C. WINES, LL.D., United States' Commissioner on Prison Discipline.

II.—EDUCATION.

President.

EDWARD BAINES, M.P.

Vice-Presidents.

Sir ANDREW FAIRBAIRN.
JAMES MCCLELLAND.
Rev. J. H. RIGG, D.D.
Rev. CANON WOODFORD.

III.—HEALTH.

President.

GEORGE GODWIN, F.R.S.

Vice-Presidents.

CHARLES CHADWICK, M.D., D.C.L.
EDWARD FILLITER, C.E.
J. D. HEATON, M.D.
FREDERICK J. MOUAT, M.D.
F. S. POWELL.
ROBERT RAWLINSON, C.B., C.E.

IV.—ECONOMY AND TRADE.

President.

WILLIAM NEWMARCH, F.R.S.

Vice-Presidents.

Sir ANTONIO BRADY.
SAMUEL BROWN, F.S.S.
EDWIN CHADWICK, C.B.
JOHN JOWITT.
JAMES GARTH MARSHALL.
WALTER MORRISON, M.P.
A. J. MUNDELLA, M.P.
SAMUEL WATERHOUSE, M.P.

LAWS OF THE ASSOCIATION.

Object and Organization.

I. The object of the Association is to aid the development of Social Science.

II. The Association comprises Four Departments: the first, for Jurisprudence and Amendment of the Law; the second, for Education; the third, for Health; and the fourth, for Economy and Trade.

III. The Association consists of Ordinary Members, Corporate Members, Foreign Corresponding Members, and Associates.

Terms of Membership.

IV. Any person who pays an Annual Subscription of One Guinea, or a Life Subscription of Ten Guineas, to the Funds of the Association, is an Ordinary Member.

V. Any Public Body paying to the Funds of the Association an Annual Subscription of Two Guineas is a Corporate Member.

VI. Foreign Corresponding Members are elected by the Council, the number of such Members being limited by Bye-law. Foreign Corresponding Members are exempt from payment.

VII. Any person who pays Ten Shillings to the Funds of the Association is an Associate for the Annual Meeting for which such payment is made.

VIII. The Annual Subscription is payable in advance on the first day of August in each year.

Officers and Government.

IX. The Association has a President, Vice-Presidents, Presidents and Vice-Presidents of Departments, a President of Council, a General Secretary, a Treasurer or Treasurers, Foreign Secretary, and Secretaries of Departments, who are all annually elected, and hold office until the appointments of the following year are made.

X. The Association is governed by a Council, and by an Executive Committee, subject to the directions of the Council.

XI. The Council consists of the following persons:—

1. The President, Vice-Presidents, Presidents and Vice-Presidents of Departments, General Secretary, Treasurers, Foreign Secretary, and Secretaries of Departments.

2. Every member who has filled the office of President or President of a Department, or who has filled for three years the office of General Secretary, Treasurer, Foreign Secretary, or Secretary of Department.

3. Every Member who, up to the 31st of July, 1862, had served for three years as a Member of Council.

4. Every Member of either House of Parliament who is also a Member of the Association.

5. Such Members, not exceeding fifteen in each Department, as shall be annually nominated by the Standing Committee of each Department.

6. Such Representatives of any Branch or Local Association, not exceeding two, as may be nominated from time to time by such Branch or Local Association.

7. Such Representative of any Society existing in connection with the Association as may be nominated from time to time by such Society.

8. Such Representative of any learned Society, or Chamber of Commerce, being a Corporate Member of the Association, as may from time to time be nominated by such Corporate Member.

9. Such Members as may be nominated by the Association, on the recommendation of the Council, for special services to the Association.

10. Such Members, not exceeding twelve, as shall be annually nominated by the Council, on the recommendation of the Executive Committee.

XII. The Executive Committee consists of the President of Council, the General Secretary, the Treasurers, the Foreign Secretary, one Secretary from each Department nominated by the Council, and Twelve Members elected annually by the Council.

XIII. The Council meets at the time of the Annual Meeting of

the Association, at three other times during the year, and also when specially summoned by the Executive Committee.

Annual and other Meetings.

XIV. An Annual Meeting for the reception of the Address of the President, and of the Reports of the Council and Standing Committees, and for the reading and discussion of papers, is held in such place, and at such time, as may be appointed by the Council.

XV. A Business Meeting of the Members is held in each year at the office of the Association, at such time as may be appointed by the Council, to receive a Report from the Council on the financial and other business of the Association, to elect the Officers and Standing Committees for the ensuing year, and to enact such Laws as may from time to time be required.

XVI. The Council has the power of summoning a General Meeting of Members, on fourteen days notice, for such purpose and at such time and place as it thinks fit.

XVII. The General Secretary, on receiving a requisition signed by twenty Members, summons, at such time, being within thirty days, and at such place as he thinks fit, a General Meeting of the Members, for the purposes stated in such requisition.

XVIII. Special Meetings are held in London, under the regulation of the Executive Committee, for reading papers, and for discussion, on specific questions.

Rights and Privileges of Members.

XIX. Every Ordinary Member has the right of attending and voting at the Annual Meeting, the Business Meeting of Members, and all other General Meetings of the Association, of being eligible to any of its offices, and of receiving gratuitously its *Transactions*.

XX. Any Ordinary Member, whose name has been submitted for that purpose to, and approved by, the Executive Committee, and who pays an additional annual subscription of One Guinea, or an additional life subscription of Ten Guineas, has the privileges of attending and voting at the Special Meetings mentioned in Law XVIII., of receiving all publications issued in connection with such

Meetings, and of the using of the Library at the Office of the Association.

XXI. Every Corporate Member receives gratuitously a copy of the *Transactions*, and may nominate two representatives to attend the meetings of the Association.

XXII. Every Foreign Corresponding Member has all the rights of an Ordinary Member, except that of legibility to the Council.

XXIII. Every Associate has the right of attending and voting at the Annual Meeting, held by Law XIV.

Standing and other Committees.

XXIV. A Standing Committee for each Department is annually elected at the Business Meeting of Members. A Standing Committee has the power of appointing Sub-committees.

XXV. Special Committees are appointed by the Association or by the Council, to consider and report on specific subjects of reference.

XXVI. The President of Council is, *ex officio*, a Member of every Standing Committee, and the General Secretary and the Foreign Secretary are, *ex officio*, Members of every Committee and Sub-committee. The Secretary of each Department is, *ex officio*, a Member of every Committee and Sub-committee of such Department.

Constitution and Conduct of Meetings.

XXVII. For General Meetings of the Association twenty Members, for Meetings of the Council seven Members, for those of the Executive Committee five Members, and for those of other Committees and Sub-committees three Members, form a quorum.

XXVIII. At all the aforesaid Meetings the Chairman has a vote; if the votes be equal he has also a casting vote.

XXIX. No original motion, of which previous notice has not been given, is put from the Chair at any Meeting of the Association held under Laws XIV., XV., or XVI.

Finances.

XXX. The funds of the Association are kept in its name at a Bank. All sums received on Account of the Association are paid

into the Bank; and all cheques on the Bank are drawn by order of the Council or of the Executive Committee, signed by the Treasurer, and countersigned by the General Secretary.

XXXI. At the Business Meeting of Members two Auditors, not being Members of the Executive Committee, are appointed on motion, by show of hands, to audit the accounts of the ensuing year.

XXXII. The accounts of the Association are made up to the end of June in each year; and, after being duly audited, are appended to the Annual Report of the Council.

Vacancies in Offices.

XXXIII. The Council fills up any vacancy occurring during the year in any of the offices named in Law IX.

RECEIPTS.

1870.		£	s.	d.
July 1.	By Balance at London and Westminster Bank 31 15 0			
,, ,,	Ransom & Co. ... 5 5 0			
,, ,,	Petty Cash ... 1 10 0			
		38	10	1
1871.				
June 30.	,, Subscriptions received in Office and at Bankers'	1,046	7	0
	,, Newcastle Congress, remittance from Local Treasurer	619	10	0
	,, *Transactions* and Publications sold ...	49	7	11
	,, Rent of Rooms	78	7	6
	,, Advertisements	3	12	6
	,, Grant from Peace Society	10	0	0
	,, Bequest by the late Alexander Robb, Esq	100	0	0
		£1,945	15	0

*** These items are all appertaining to this year, with the exception of the balances marked with an asterisk, and the only liability carried over is balance of account for printing *Transactions*, 1870, 121*l.* 17*s.* Against this, in addition to the balance in hand, viz., 272*l.* 11*s.* 4*d.*, there is owing to the Association 46*l.* 18*s.* 10*d.*, being an excess of credits over debits (exclusive of the value of the library and other property) of 197*l.* 13*s.* 2*d.*

PAYMENTS.

1871.		£	s.	d.
June 30.	To Printing *Transactions* of 1869 (Balance)	149	13	9*
,,	Do. *Transactions* of 1870, (on account) and Indexing	155	0	0
,,	Rent and Gas	203	9	1
,,	Salaries	320	0	0
,,	Wages	101	16	0
,,	Office Expenses	73	3	10
,,	Library—Books, &c.	47	7	11
,,	Printing:—			
	General Account, Balance 1869-70 ... 42 6 6*			
	Do. do. Current 95 8 5			
	Sessional do. ... 137 6 6			
	Pamphlet do. ... 13 3 4			
		288	4	9
,,	Stationery	30	12	8
,,	*Transactions*, Delivery	30	5	1
,,	Postage	68	9	7
,,	Travelling Expenses	67	4	6
,,	Reporting Proceedings	71	7	0
,,	Advertising	5	13	6
,,	Collector's Commission, &c.	49	10	0
,,	Grant to House Accommodation for Learned Societies' Committee ...	5	0	0
,,	Subscriptions returned	6	6	0
,,	Balance:—			
	London and Westminster Bank 235 19 0			
	Ransom & Co. 86 10 0			
	Petty Cash 0 2 4			
		272	11	4
		£1,945	15	0

Audited and found correct.

6*th July*, 1871.

(Signed) JOHN HOWELL, JOHN KNOX, } *Auditors.*

INTRODUCTION.

THE Annual Congress, which opened at Leeds on the 4th of October last and terminated on the 11th, was the Fifteenth which the Association has held. Following the precedent of former years, the proceedings were opened by a special service. This was held in the old parish church of Leeds. The sermon was preached by the Very Reverend the Dean of Durham. In the evening the inaugural address was delivered by the President of the Association, the Right Hon. Sir John S. Pakington, M.P.

The addresses were delivered in the hall of the Mechanics' Institute; the meetings of the several departments taking place in the Law Courts, the Municipal Council room or other of the convenient rooms included in the noble pile of buildings forming the Town Hall. The magnificent Victoria Hall, the principal room of this pile, was used during the day time as a reception room; on two evenings for *soirées* and on one for the Working Men's meeting.

The Working Men's meeting continues to be an exceedingly popular feature of the Congress. At the two last meetings, in Newcastle-upon-Tyne and Leeds, not only has the list of speakers been announced beforehand, but a given topic has been assigned in the announcement to each speaker. In this way an amount of definiteness has been given to the speeches delivered, which could hardly exist without some such plan, and the danger is avoided of one speaker going over the ground occupied by a predecessor. In Leeds the Mayor presided, and discharged his duty with the same ability and heartiness which characterized the whole of his official and private demeanour towards the Association and its members.

Sir John Pakington spoke of the interest of the working classes in technical education, a subject which every one will admit the President of the Association was peculiarly well entitled to speak on, both from the consistent and persevering manner in which he has directed public attention to it, as well as from his great experience in and knowledge of the whole question of education. He pointed out that the subject of technical education was one which was of special interest to artizans; that the Paris Exhibition, the reports of competent persons and of general observers show, that the foreign artizan has better opportunities of becoming a skilled, a scientific, or an artistic workman than the English artizan; that there is danger of foreigners being able to produce better work than we are able to produce, and so of attracting a valuable portion of our trade to their shores; and that the only way to avert this danger is to place within the reach of working men throughout the country the means of technical education. Mr. Godwin, President of the Health Department, spoke of the interest of the working classes in regard to the question of public health. He had previously made an inspection of some of the worst districts in Leeds, one "honeycombed with cesspools, and middens, and drains without traps," and called the attention of the meeting to the urgent need of making sanitary improvements in the districts which he indicated. He pointed out that it was in such districts, which were inhabited exclusively by the poorer classes, that the highest number of deaths occurred, and that the working classes more than any other section of the community were interested in the carrying out of laws, which would improve their health and add years to the lives of thousands. Mr. Newmarch, President of the Economy and Trade Department, was announced to speak on the importance of a knowledge of Economic Science to the working classes. It is sufficient to mention his name to show that the task would be admirably fulfilled. After comparing the state of England with that of South Eastern Europe, he maintained

that our superior position was due in a great measure to the application of sound principles of economic science. He urged that these principles ought to be taught in all schools, but especially in elementary schools, because such instruction sharpens the faculties, and puts them in a fair way of being developed by subsequent experience and observation. Mr. E. Hollond, whose practical study of the question deservedly entitled his opinions to respect, spoke of the question of pauperism as affecting the working classes. He especially insisted that what working men had to look to was not Government or legislation but themselves; and that the first requisite for the diminution of pauperism was an improvement in the habits of the people. He urged also that they should take more interest than they had done in the proper working of the Poor Law, and for this purpose in the selection of proper persons charged with its administration.

Mr. Mundella, who had just returned from Newcastle, where he had kindly acted as the representative of the Capital and Labour Committee in connection with the Association, with a view to putting an end to the "nine hours'" strike of the engineers, spoke on the subject of strikes. He declared them to be in the industrial world what wars are in the political. He pointed out that there was reason to hope we were going to have fewer strikes than hitherto, and that those which had recently taken place had been conducted in a much more creditable manner than formerly. He urged working men to do their utmost to support Courts of Conciliation and Boards of Arbitration, and showed how both masters and men had benefited wherever such had been established. He concluded an address, to which the vast audience listened with great interest, by urging that working men could do more by educating themselves, by freeing themselves from the slavery of bad habits, by temperance, intelligence, and thrift, than any amount of legislation could do for them.

The holding of a sanitary exhibition in connection with the annual Congress, was a novel feature in the history of the Association. The suggestion was thrown out in a letter which reached me at too late a period, barely a month before the time of meeting, to allow of its being carried out with anything like the completeness which a longer time would have permitted. But owing to the indefatigable exertions of two members of the Leeds Committee, Dr. M. K. Robinson and Mr. H. H. Sales, and of Dr. Hardwicke, the Secretary of the Health Department in London, a great number of articles were brought together, and the exhibition was made in every respect successful. It is not too much to say that there has never hitherto been brought together so complete a collection of sanitary appliances. The presence of a number of health officers, and of others interested in sanitary reforms, who are always found at the annual meetings of the Association, was felt by exhibitors to be a sufficient inducement to forward their goods. A communication from a meeting of the exhibitors, made quite spontaneously, expresses their thanks for the opportunity which our Congress gave them of thus bringing their appliances under the notice of those interested, and contains valuable suggestions which will not be lost sight of, for making any future exhibition still more successful and useful. Most persons were struck with the great variety of valuable sanitary appliances brought together which were worthy of serious attention, but which were at the same time little known. The interest taken by the public, apart from our members, in the exhibition, was great, and is testified by the fact that, though little had been done to make its existence known, it was visited during the course of six days by upwards of forty-nine thousand persons. The Council hope in future years to take advantage of the experience they have gained in this experiment, and with improved classification, care-

fully prepared catalogues, and other means that may suggest themselves, to hold exhibitions which will form centres of sanitary information, practical illustrations of many of the discussions in the Health Department, good guides to the many persons throughout the country who are turning their attention to sanitary reform, and the means of bringing into public notice appliances which might otherwise be only known locally, or at least imperfectly.

The following report from the Council to the concluding General Meeting, held at the Congress, contains a summary of the business transacted in the various departments:—

The Council have to report with much satisfaction the success of their Fifteenth Annual Meeting. The Mayor and Corporation of Leeds kindly permitted the Association to have the Town Hall during the week of their meeting, and of certain rooms in it for local offices previous to the meeting. The members of the Association have thus had the very great advantage of having the whole of the rooms for the meetings of the departments, and for every other purpose, except that of the addresses of the Presidents, under one roof. The meetings of the departments and sections have been generally well attended. The Working Men's Meeting, in spite of unfavourable weather, was attended by a large and interested audience. The plan was adopted, begun at Newcastle last year, of requesting each of the speakers to announce to the General Secretary beforehand, and for the purpose of publication, the subject on which he proposed to treat. The Council believe that this plan will tend to give greater definiteness and value to the addresses thus delivered. All the addresses given bore reference to the peculiar interests of the working classes, in one or other subject brought prominently before the Association.

On previous occasions there has been a wish expressed by many health officers of towns, and others interested in sanitary improvements, that there should be held in connection with the Congress an exhibition of sanitary appliances. Unfortunately it was little more than a month before the present meeting when the suggestion was made. It was at once adopted. The trustees of the Cloth Hall kindly granted the use of a large and commodious building, and through the untiring exertions of Dr. Robinson and Mr. H. H. Sales, to whom the Council is under great obligations in this matter, the exhibition was ready to be opened by the 5th inst. Small as it is, it is not too much to say that so many sanitary appliances have never before been brought together, and the success with which it has met points clearly to the fact that a future exhibition, with more time

devoted to its preparation, would be at once an exceedingly useful and popular adjunct to the Health Department of the Congress.

The number of tickets sold has exceeded that of the last three or four meetings. The best thanks of the Association are due to the Right Hon. Sir John Pakington, Bart., M.P., G.C.B., for his services as President of the Congress, and to the Presidents, Vice-Presidents, and Secretaries of Departments, for the able and efficient manner in which they have performed their duties. They have also very cordially to thank the Executive Committee, the Local General Secretaries, and the Treasurer, for having brought the business of the Congress to a successful issue. The thanks of the Association are likewise due to the Very Reverend the Dean of Durham, for preaching the sermon at the opening service; to the Worshipful the Mayor and Corporation, for the use of the Town Hall, and for the great personal interest and exertion which so many, and especially the Mayor, have shown in the work of the Association; to the Trustees of the Cloth Hall for its use for the purpose of the Sanitary Exhibition; to the Committee of the Mechanics' Institution for the use of their hall for the addresses of the President and the Presidents of Departments, and for the news-room and library; to the Poor Law Guardians for the use of their board room; to Mr. Wheatley-Balme, for inviting and entertaining the visitors at the reformatory at Mirfield; to the Corporation of Leeds, for an inspection of the Sewage Works; to the heads of the various institutions and manufactories who have kindly thrown open their premises to the visitors attending the Congress; to the Post-office authorities, for the convenience afforded to the members in the reception room; to the inhabitants who have so hospitably entertained the visitors during the Congress; and to the members of the press, for the admirable manner in which the proceedings of the various departments and sections have been reported. The Council have also to express their thanks to Miss Carpenter, for the address on female education in India delivered by her to a crowded audience at the second soirée.

JURISPRUDENCE.

The special questions discussed in the Municipal Law Section of the Jurisprudence Department were—(1st.) How to improve the system of legal education? (2nd.) How to improve the laws relating to the devolution and transfer of land? (3rd.) The question of local courts. On the question of legal education the prevailing opinion was that the system of compulsory examination should be extended to the Bar. The section, however, were not unanimous in recommending the establishment of a law school. On the subject of the land question a long and interesting discussion took place. The great inconveniences of the present system of land transfer were the subject of almost universal condemnation. It seemed also to be the general feeling that the devolution of real property *ab intestato* should be assimilated to that of personalty; but this point was only slightly touched upon. Upon the question of local courts, the mis-

chiefs arising out of the exercise by the same court of a number of independent jurisdictions were animadverted on, and the advantage of a system of local administration of justice was generally recognized. In addition to these subjects, the report of the Committee of this Association upon the question of international arbitration was read by Professor Leone Levi, and was followed by discussion in the section. The prevailing opinion was in favour of an attempt being made to establish a court for the purposes of international arbitration, but adverse to any proposal for the employment of force to support the decisions of any such tribunal.

The opinion of the Repression of Crime Section seemed to be that while the cellular system may in certain cases be adopted with advantage, the employment of prisoners in productive labour should, as much as possible, be encouraged. Attention was called, in connection with the discussion on the special question relating to the principles by which the amount of punishment ought to be regulated, to the necessity which prevails for securing greater uniformity in the sentences of judges and magistrates, and an opinion was generally entertained that this end might be attained if these functionaries would meet together from time to time, to lay down general rules for their guidance. The special question—"By what measures may the trading in stolen property, whether by purchasing it, or receiving it in pledge, be most effectually prevented?" was opened by papers which led to a valuable discussion, and to a resolution, recommending that the subject matter of the paper be referred to the Council, with a request that it will, at its earliest convenience, report especially on the remedies therein suggested, and on any others which may be brought under notice.

EDUCATION.

In the discussion in the Education Department on the part of the special question, referring to the practical application of compulsion in education, it was held that the extension of the provisions of the Half-time Act, so as to exclude from all labour children who had not passed the "third standard," and to exclude from full-time labour all who were not provided with an inspector's certificate stating that they had passed a higher standard, would be practical and advantageous. In connection with the operation of the new school boards, it was almost inevitable that the question of the respective value of large and small schools should occupy the attention of the section. Large elementary schools were held to be preferable to smaller schools, both on the ground of economy and of efficiency, and it is hoped that the attention of school managers, as well as of school boards, will be soon called to this important question. A suggestion made in connection with the subject that mixed or infant schools should supply the wants of children up to the age of nine, and that all older children should be relegated to schools under superior teachers of their own sex, seemed worthy of

further consideration. The altogether unusually large attendance, when the subject of the education of girls was under discussion, points to the great and increasing interest felt by our members on this subject. The dissatisfaction expressed with the present state of female education was especially great in connection with that provided by private adventure schools for the lower middle class; and the feeling was apparently unanimous that much good might be effected if some portion of the endowments intended for the educational purposes served by the Endowed Schools' Commissioners could be used in supplying middle-class schools for girls. The attention of educational reformers was called to the necessity of still continuing their efforts to extend the usefulness of the Universities, both by altering the subjects of examination for the prizes of the Universities, so that their influence on the general education of the country may not be lost, and also by allowing fellowships to be held on a tenure of work in education throughout the country; such, for example, as lecturing in large towns, as well as at the Universities themselves. The report of the work of this section would not be complete without reference to the extraordinary fact that a deaf and dumb person was introduced to the audience, and spoke in answer to questions, and repeated words spoken to him. This gentleman was taught on the German system.

HEALTH.

In the Public Health Department, the first special question, relating to the disposal of sewage, excited unusual interest. There was a very general feeling in favour of sewage irrigation schemes for the disposal of the excrement of large towns. On the special question as to the means for promoting the health of factories and workshops, the papers of Dr. Arlidge and Dr. Stallard deserve mention; and amongst the voluntary papers brought before the notice of the members, that of Dr. Rumsey, on the progressive degeneracy of race in the town populations of Great Britain, and of Dr. Acland, on the habits of the labouring classes in rural districts, were of great interest and value. A large amount of interest in the sanitary improvement of Leeds was aroused by the paper of Dr. M. K. Robinson, on the measures which have been taken by the Corporation to improve the sanitary condition of the town within the last three years. The report of the Joint Committee of this Association and the British Medical Association on the report of the Sanitary Commission was discussed both in the opening address of the President of Council and in the department, where it was unanimously agreed that the Joint Committee should still continue their labours, both with a view of obtaining some modifications of opinion expressed by the Commission in relation to large areas for the administration of health laws, and for securing officers of health with better qualifications than what is proposed. In connection with this department it may be mentioned

that the Sanitary Exhibition has excited great interest, and has been visited hitherto by 35,000 persons. A special report upon it has been drawn up by the Secretary of the Health Department, and will be ready for presentation at the next Council.

ECONOMY AND TRADE.

The special question on the licensing laws occupied the attention of the Economy and Trade Department two days, the first being devoted to the subject of the licensing authority, the second rather to points of secondary public interest. The several proposals, to leave the power of licensing as at present in the hands of the magistrates, to appoint licensing boards directly representing the ratepayers, and to allow total prohibition, were respectively advocated. The preponderance of opinion seemed to be in favour of the continuance of the power in the hands of the magistrates, under revised conditions, which should give greater weight than at present exists to the wishes of the ratepayers. The general opinion of the section was unanimously in favour of early legislation on the general question of diminution in the number of licensed houses, and of the hours during which such houses should be open. The section have forwarded a resolution to the Council urging them to continue their endeavours to obtain an efficient measure from Parliament dealing with the whole subject. Opinion was divided on the questions whether the State or municipality ought to assist in providing improved dwellings for the working classes. In the course of the discussion, however, a remarkable instance was given of a working man's dwelling company which had succeeded in providing excellent and cheap accommodation, and had paid a dividend of 7½ per cent.—a result which has had the effect of inducing a private speculator to put up similar houses as an investment for his own money. The section recommends the Council to take into its consideration what legislative action can be taken to improve and render more effective the Public Health Acts, giving power to close or remove property found unfit for habitation, and to collect statistical information as to the experience of the various companies, societies, and other organizations which are engaged in providing dwellings for the working classes. The special question relating to the assessment and administration of local taxation led to a discussion which brought out the extreme difficulty of assessing personal property. The example of Belgium was dwelt upon as showing the satisfactory result derived from the opposite plan. A resolution was passed, after the discussion on the Contagious Diseases Acts, requesting the Council to consider the propriety of memoralizing the Government in favour of the repeal of those Acts. Among other papers which were read in the section on Economy and Trade was one on the question whether strikes are necessary for the protection of workmen or lock-outs for that of employers. The writer expressed it as his opinion that these violent proceed-

ings are wholly unnecessary, and the general feeling of the section was evidently in accordance with this opinion. The Indian Committee of the Association have resolved to send a resolution of sympathy with the promoters of the reformatory at Nagpore, and have requested Babu Banerjee to become the corresponding secretary of the Committee, on his return to Calcutta.

I have reason to believe that many of our Associates and Members resident in the country are unaware of the fact, which indeed they could hardly gather from our annual volume of *Transactions*, that, in addition to the week of meetings of the Congress, the Association holds a meeting at its London offices every Monday evening, from about the middle of November, when its session commences, until about the end of June, when it terminates. These meetings are divided among the four departments of the Association, and are often of a most valuable character. At them and at the committees, which also meet in London, many of the papers read at the yearly Congress are more fully considered than they can possibly be during the week. In addition, many other subjects are brought under discussion.

During the last Session twenty-five evening meetings were held at the rooms of the Association, in London, and twenty-four papers were read and discussed. The papers and discussions are printed in the Journal, which is circulated widely during the Session. Ordinary Members pay annually One Guinea extra for this privilege.

During the year the Labour and Capital Committee made three endeavours to put an end to the Nine Hours' Strike of the Engineers at Newcastle. Mr. Walter Morrison, M.P., and the General Secretary met the League Committee, representing the men, and saw some of the masters. Subsequently Mr. Mundella visited Newcastle. The Committee have reason to believe that these endeavours, though temporarily unsuccessful, materially assisted in bringing about the ultimate settlement of the question in dispute.

Since the issue of the last volume, the Council have memorialized the Committee of Council on Education as to the fitness of women for the work of education generally. The memorial urged the employment of women as teachers in schools of every grade, as members of School Boards under the Elementary Education Act, and as inspectors of infants' and girls' schools.

A memorial has again been presented to the Committee of Council on Education, in favour of re-introducing into the House of Commons the Endowed Schools Bill, Part II. The Council trust that in the next Session this important measure will be re-introduced, and carried successfully through both Houses of the Legislature.

A memorial to the Secretary of State for the Home Department on the subject of Boards of Arbitration and Conciliation has been presented, calling attention to the desirability of providing a cheap and simple legal means of carrying out a system of Trade Arbitration, and of enforcing awards in cases where both parties voluntarily adopt such legal powers.

Resolutions in favour of the Trades Union Bill were presented to the Secretary of State for the Home Department, and introduced into the House of Commons by the Government. This Bill adopted several of the principles recommended by the Committee in their circular of last year as a basis of legislation.

A series of resolutions, expressing the opinion that productive labour in prisons is an essential part of every good system of prison discipline, were communicated to the Secretary of State for the Home Department.

The Council memorialized the Government on the subject of the Habitual Criminals Act, and suggested various alterations which in their opinion would conduce to the more efficient working of the Act. These suggestions related among other matters to the important question of lessening

the number of harbourers of thieves and of receivers of stolen property, and to the re-insertion of the clause omitted from the original Bill by which habitual criminals were compelled to report themselves monthly. The Council also petitioned the House of Lords in favour of the Prevention of Crime Bill which embodied these suggestions.

The Council feel much pleasure in recording the successful issue of the labours of the Association towards the abolition of Gambling Farms at Hong-Kong. The representations made in 1868, 1869, and 1870, to Her Majesty's Government have been followed by orders putting an end to the system and providing against its re-establishment.

On the 20th April last, a meeting was held, under the auspices of the Association, to hear a statement from M. Demetz, the founder of the *Colonie* of Mettray, in regard to the disasters which had befallen the Reformatory, in consequence of the Franco-German war. The meeting expressed deep sympathy with him, and passed a resolution recommending the Executive Committee to sanction the opening of a subscription list at this office, in order to assist the Reformatory in overcoming its difficulties. A total of 1500*l.* was raised.

The Joint Committee of the British Medical Association and of this Association, on State Medicine and the Administration and Organization of the Sanitary Laws, have issued their second Report. The Committee feel bound to express their views, because the Royal Sanitary Commission may be said to owe its existence mainly to their efforts, it having been appointed in compliance with a request, submitted in 1868 to Her Majesty's Ministers by a deputation from the above-mentioned Associations. The Report enters at length upon the subject, and points out certain primary defects in the method and scope of inquiry, and certain errors of conclusion which have naturally resulted from those defects. The Report concludes with a desire for a careful personal inquiry

in the various localities throughout the country before legislating permanently on the details of sanitary administration.

In addition to those already mentioned, the following are among the subjects which have occupied the attention of the various Committees during the Session:—The Public Prosecutor's Bill, the Repression of Crime, the School Boards, the Opium Traffic, Adulteration, the Metric System of Weights and Measures, International Coinage, the Licensing System, International Arbitration, Prison Labour, the Sanitary Laws, the relations of Labour and Capital, and the Mines Regulation Bill.

The Council have to report with regret during the past year, the loss by death of the following members of the Association—William Murray, Esq., Alexander Collie, Esq., of Glasgow, Henry Robinson, Esq., of Settle, Sir Baldwin Leighton, Bart., Mrs. Manning, W. Pollard-Urquhart, Esq., M.P., Edward Lawrance, Esq., J. R. Jeffrey, Esq., Charles Buxton, Esq., M.P., E. W. Field, Esq., A. J. Johnes, Esq., Right Hon. Edward Lucas, J. Eolge Manning, Esq., James Newlands, Esq., C.E., Caleb Williams, Esq., M.D.

The next Annual Congress will be held in Plymouth and Devonport.

EDWIN PEARS.

January, 1872.

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Opening Address

BY

THE RIGHT HON. SIR JOHN S. PAKINGTON, BART., M.P., G.C.B.,

PRESIDENT OF THE ASSOCIATION.

IF it should be thought, as I fear it may be, that I am guilty of presumption in having consented to accept an office, which has been held through a series of years by a succession of the most able and distinguished men of our time, I trust you will allow me, at least, to share the blame with those at whose request I have ventured to undertake it.

It has been my rule in life to leave others to decide in what positions they thought I could be useful, and then to do my best to justify the selection; and that is the principle on which I am acting now. Fourteen years have passed away since I had the honour of taking part, at Birmingham, in the first Meeting of this Association. Under the presidency of that great and distinguished friend of progress, Brougham, whose interest in our usefulness and success ended only with life, and with Lord John Russell, Lord Stanley, the then Bishop of London, now Archbishop of Canterbury, and Sir B. Brodie, as my colleagues in the chairs of Departments, I was entrusted on that occasion with the Department of National Education; and a considerable portion of the address, to which it is now part of my duty to request your indulgent attention, will be devoted to the present position of that most important, but still unsettled and anxious subject.

If I remember rightly the character of the opening addresses delivered by my predecessors, they have usually embodied the views of the president upon the special questions suggested for discussion during the progress of the Congress.

I do not propose to follow those precedents. The special questions which now await the consideration of this Annual Meeting have been selected with great judgment, and involve subjects which ought to be settled as soon as possible by the Legislature, as being of the highest importance to the public interests. They include our system of legal education, the

best constitution of our local courts, our system of prison discipline, the education of girls, and the care of neglected children, the utilisation of town sewage, the laws for licensing public-houses, the principles of local taxation, &c. Subjects of such magnitude and difficulty can only be considered satisfactorily when brought forward separately, and when I see how eminent and distinguished are the names of the gentlemen to whom, respectively, the introduction of these questions has been entrusted, I think it would be most presumptuous on my part if I were to attempt to anticipate the subject-matter of those addresses to which we all look forward with interest.

I prefer to touch, during the time for which I shall venture to detain you, upon some of those questions which affect more or less directly the character and position, and thereby the happiness and contentment, of the working classes of this country. The importance of this subject cannot be over-rated; and there are few, if any, questions of the present day which, in my opinion, more urgently require attention. It involves not only the temporal and eternal welfare of vast masses of our countrymen; not only our character as a civilised and Christian people; but it involves also the permanence of that manufacturing and commercial prosperity, upon which our national greatness and power so much depends. I hope I shall not be misunderstood if I here express a wish, founded upon my long experience as a member of the House of Commons, that the attention of successive administrations and successive Parliaments could be somewhat more devoted to those questions of domestic importance to which I am now referring, and somewhat less occupied by questions of mere party interest.

I do not propose to enter into the question of trades unions. It is, I think, now generally conceded, that the objections to trades unions have arisen, not from their use, but from their abuse. This Association had been in a high degree instrumental in producing in the public mind a juster and wiser estimate of the objects and rights of these bodies. The report of our Special Committee on Trades Unions and Strikes, published in 1860, as a separate volume, contained a large amount of useful information on the subject, and anticipated, in a considerable degree, the labours of the subsequent Royal Commission.

To such combined action as may be fairly required to protect the interests of industrious men, and as may be conducted without injury to the interests of the public, or to the personal liberty of individuals, no reasonable objection can be felt. The Legislature has now passed an Act to place these unions upon a proper footing, and there is reason to hope that in

most cases, if not in all, the differences which may from time to time arise between masters and workmen may be settled amicably by arbitration, rather than by those angry and protracted struggles which have too often inflicted severe and lasting injury on both parties.

But I confess to the belief that it is to improvement of the social status, the intellectual training, and the moral tone of the skilled workman that we must mainly look to avert an occasional repetition of that violence and crime which, not in one locality alone, but in several, have shocked the moral sense of the public, and tarnished the good name of the British artisan.

At the head of those questions which affect the welfare of the working classes, still stands the great subject of national education. I have already alluded to this subject as being in a state not free from anxiety. It is much to the credit of the present ministers that since their accession to office, two most valuable measures for the promotion of education have been passed. The Endowed Schools Act passed in the Session of 1869, and the Elementary Education Act of 1870, are two great steps in advance, but they must be regarded as the foundation of the changes which are necessary, rather than as the final settlement of the problem which has been so long and so warmly debated.

I rejoice to see that the Education Department is to be under the guidance, on this occasion, of so old and able a champion of National Education as my honourable friend Mr. Baines, your respected representative. My honourable friend and myself have long been fellow labourers in this great cause, and though we may sometimes have differed as to the *modus operandi*, I believe we have rarely, if ever, differed as to either the end to be achieved or the principles on which it ought to be established.

The special questions appointed for discussion in this department are, no doubt, important, especially the two first, relating to the requirements for the improvement of the education of girls, and the difficult subject of compulsory attendance; but I trust that, under the competent presidency of my honourable friend, our discussions will be further extended, and that the whole state and prospects of National Education in England will come under consideration. This appears to me to be very desirable on several grounds, but especially on the ground that notwithstanding the two great measures to which I have referred, and they must be admitted to be great measures, I think there are signs that the Government are not duly impressed with the extent to which the

future of this country depends on the manner in which this subject is treated, or with the absolute necessity that prompt attention should be given to those important, practical points which are as yet unsettled—some, indeed, as yet almost untouched. In expressing this opinion I desire to guard myself against any suspicion that I am influenced by party motives. I am aware that anything like party feeling on the part of the President of this Congress would be improper; but I also think there are some who now hear me who can confirm me when I say that I have never allowed my connexion with political party to influence my conduct for the last twenty years on the subject of National Education. Indeed, if my humble efforts on that subject have at any time involved me in party difference, it has been, not with my political opponents, but rather with the friends with whom I have usually acted in public life. It is, therefore, with reluctance and regret, rather than with any party feeling, that I feel bound to avow my opinion that the present administration, like most of their predecessors, under our present system of government are prone to think too much of what is good for the party, and too little of what is good for the people.

I wish also to guard myself against any appearance of speaking with the least approach to disrespect of the right honourable gentleman the Vice-President of the Privy Council, to whom we must, I presume, for the present look as being in fact, though not in form, the Education Minister. On the contrary I shall, I am sure, meet with the unanimous concurrence not only of all who hear me, but of all true friends of education, when I say that, although differences may have arisen between certain parties on isolated points, we are all indebted to the right honourable gentleman for the great ability, the perfect mastery of complicated details, and the admirable calmness and temper with which he prepared and carried through the House of Commons the Endowed Schools' Act and the Elementary Education Act.

But the right honourable gentleman must not suppose—indeed he cannot, he does not suppose—that, having added these two measures to the Statute Book, his work is done; it is only commenced; and I must in candour say that, whatever may be my feelings as a party politician as to the hands in which I should desire the government of this country to be placed, I should regard any change which caused Mr. Forster to leave the Education Department as being, to that extent, a public misfortune. And I am thus led to refer for a moment to one serious blot, as I venture to think, in the Elementary Education Act. I mean the omission of any change in the

constitution of the Education Department, with a view to the appointment of a distinct Education Minister as a High Officer of State, with a seat in the Cabinet. It is true that we have at present two education ministers, both in the Cabinet. The two ministers who sit in their office as chief and subordinate—president and vice-president—sit in the Cabinet as equals; and when they appear in Parliament to transact the business of the department there, their departmental positions are reversed—the vice-president is practically the chief, and the president practically the subordinate! This state of affairs is so anomalous as to approach the ridiculous, and it must not be allowed to continue.

And as a practical result of this absurd division of authority, I will ask you to bear in mind that during the late Session of Parliament, we may almost be said to have had no education minister at all. In as much as one of the two halves which compose the education minister, as at present constituted, was sent off to America to negociate a treaty with the Government of the United States, while the other was called upon to undertake the arduous and difficult duty of conducting through the House of Commons a warmly contested Bill to establish voting by ballot at parliamentary and municipal elections. I am not surprised at the selection of Mr. Forster for that duty. It was not an easy task, and it required exactly those qualities of which he had shown himself to be in an eminent degree possessed; but this consideration offers no consolation to the friends of education, though it explains why the arrangement suited the convenience of the Government; the result of all this has been that while numerous important questions have been pressing for settlement, little has been done. It is not possible that a minister, thus burdened with extraordinary duty, can properly attend to the details of his own department; and can he be blamed if when the labours of such a session are concluded, he feels obliged to seek complete repose? Yet it is notorious that at this moment the Education Office is overburdened with work, and that the progress of its duties has been seriously impeded, because there has been no official at hand of sufficient authority to attend to the business. Is it too much to say that this misfortune could not have occurred if the Vice-President had not been withdrawn by party exigencies from working out the provisions of his own measure?

I must repeat my hope that my motives for what I have just said will not be mistaken. The friends of education feel the importance of having an able minister placed at the head of a distinct department. A change more important than

ever since the passing of the two Acts to which I have referred, and I venture to think that if the country had had the benefit of such a minister during the present year, the Government would not have ventured to send him either to America or to the Ballot Bill; and I further think that if Mr. Forster had been that minister, he would have declined at so critical a time to leave the duties of his office.

I trust the Government will be sensible of the necessity of putting an end to such anomalies, and that one of their earliest measures will be to create the new office so urgently required, and to enable the country to feel that all the various branches of this most important and difficult subject are in the hands of a competent minister, bound to conduct it with undivided responsibility, and to devote to it undivided attention.

Mr. Forster brought to the fulfilment of his official duties, an intimate knowledge of the whole subject, and I think he acted with wisdom in devoting his attention in the first instance to those educational endowments scattered in useless profusion over the whole country—intended by their founders to supply in their respective localities those educational deficiences, of which intelligent men even in those days felt the extent—but which have dwindled down under the influence of long neglect, till we see them, in a great majority of instances, mere valueless illustrations of the good intentions of the past, and painful proofs of the short-sighted negligence of the present.

I, at least, may be allowed on the present occasion to express my satisfaction at the determination of Mr. Forster to grapple vigorously and immediately with that great blot in our educational system, for this was one of the subjects to which I ventured to call the attention of the Social Science Association when I presided over the Educational Department at their first Congress in 1857. I then said, "We are very apt to suppose that the only difficulties are those which have arisen with respect to the working classes."

I hold this to be a great error, because I know that a large portion of the middle classes find themselves in a position of great difficulty on this subject. It is the small tradesmen, the small farmer, and others of that class, who know not where to obtain good education for their children, and who find themselves obliged to pay dearly for a bad article. Connected with this part of the subject there is another of great importance — I mean the small endowments in England for education. I am happy to state that papers on this subject will be read—with regard to the middle classes. I have already alluded to the difficulties they feel,

and which have been pressed upon me in many communications from persons in that class, pointing out, in touching terms, the disadvantages under which they suffer. These observations were followed up on several occasions by my successors in the Chair of Education; and in 1864 our Council sent a deputation to Lord Palmerston, then Premier, to urge the appointment of a Royal Commission to inquire into these Endowments. This application was granted, and the Schools Inquiry Commission led to the passing of the Endowed Schools Act, and the existence of the Endowed Schools Commission. These schools are thus being brought once more into useful activity, and the Association may, I think, look back with peculiar gratification on the history of this question.

But the Endowed Schools Act, as submitted to the House of Commons, was not limited to the clauses relating to endowed schools. There was attached to it a second part, by which it was proposed to create a Council of Education, to which were to be entrusted several important functions, and especially those which related to the supply of duly-qualified masters for the different classes of schools. Before the Bill left the House of Commons, this second part was given up, and we have as yet heard no more of it: 1870 passed by and Mr. Forster was occupied with his great task of the Elementary Education Bill—no one will complain of that—but 1871 has passed by, and Mr. Forster was occupied with the Ballot Bill; the Ballot Bill will no doubt be brought on again next year, but let us hope that Mr. Forster will not again be requested to take charge of it. Let us hope that in his skilful and competent hands we shall then have the second part of the Endowed Schools Bill introduced as a separate measure. I do not wish to be understood as committing myself to every detail of that second part, but, speaking of it as a whole, I do feel regret, and I have heard it made the subject of much complaint, that the whole of the Endowed Schools Bill, with such amendments as Parliament might have adopted, was not passed at once. The increased progress to which we may now look forward in the various branches of our educational system, makes the supply of qualified masters a matter of primary importance, and the loss of even two years is serious.

In considering the present position and prospects of elementary education, it is impossible not to be struck on the one hand with the magnitude of the task before us, and of the efforts which will be required to compensate for long and shameful neglect, and with the importance of points which remain unsettled or untouched; and, on the other hand, we must in justice acknowledge and admire the bold and compre-

hensive spirit in which the Vice-President shaped his great measure of last year, and, steering it with infinite skill through all the conflicting views which arose from opposite quarters, succeeded, to the delight of all true friends of progress and intellectual cultivation, in passing a measure which, if not supported with unanimous approbation in all its parts, all, at least, were willing to accept. Thus fulfilling a prophecy which I once ventured to make in an address on this question at Manchester—"No. This subject can only be settled—and I believe it will be so settled—when the Ministers of the Queen shall determine to grapple with it, with courage and determination." I am glad I have lived to see that prophecy fulfilled.

But I have just declared my opinion that the task before our Government is still one of magnitude and difficulty.

What have been the specific demands which have been persistently urged by the friends of education through their protracted fight? They asked for religious freedom under the protection of a conscience clause, and that what was called the religious difficulty should no longer impede general education. This has been conceded, not perhaps in the shape most to be desired, but it is conceded. They asked for the power of levying rates so that education should no longer be subject to the uncertainty of voluntary effort, or be impeded by financial difficulty, and that public aid should no longer be confined to those districts which were best able to provide for themselves. This, too, has been conceded. They asked that excessive centralisation should be superseded by a system of local agency, in connection with central authority. They asked that the unequal area of parishes should be disregarded, and school districts be established in such manner that every child should have a school worth attending within reasonable distance, and that the numerous educational endowments, now almost useless, should be reformed and made available. These demands have also been conceded. And lastly, they asked that the anomalous "Committee of Council on Education" should cease to exist, and that a minister of public instruction, with a properly organised Department, should be established. This has not been conceded as yet, but it must come.

We thus see, and we should thankfully acknowledge, that the comprehensive Act of last year has, with the one exception mentioned, fully and generously met the deficiencies which had so long been the subject of complaint, and for which legislators of all parties had repeatedly, but vainly, attempted to provide a remedy.

How then am I justified in saying that this great subject is still in an unsettled state? One reason requiring the early and careful attention of either central or local authorities is the great and undoubted inferiority of a large proportion of those schools which we include in all statistical statements of our educational means, and to which we at present trust for the training of children in those numerous areas for which they profess to act. Ample proof of this inferiority may be found throughout the last report (1870-71) of the Educational Department.

In the report of the department the following passage occurs. After referring to the unsatisfactory results of examinations, it is said—"These results, though they show a slight improvement upon previous years, are far from satisfactory. We trust that the provisions of the new code, and the working of the Education Act, will, ere long, effect a marked change in the number of children found in our schools, in the regularity of their attendance, and in the standard of instruction to which they rise." If we turn to the Inspector's reports this general statement from the central office is more than confirmed.

The Rev. Mr. Mitchell, after stating some improvement in the schools of his district, adds—"There is still, however, a fearful amount of back-way to make up, and it is only those schools marked good (*i.e.*, less than half), which can be said to give anything like a real substantial education to the majority of their scholars." The fair inference from these statements, supported by numerous others of a similar nature, is, as I have already said, that the education minister has still before him, a large and heavy work; and so far as these deficiencies are concerned, we may, for the present, be content with joining in the hope expressed by the Department that they will, under the operation of the new Code and the new Act, be gradually corrected.

But there is a more serious cause for anxiety in the present aspect of that religious difficulty which so long constituted a painful and fatal impediment to the adoption of any national system. I think I am not exceeding the truth when I state my belief that it is desired by an overwhelming majority of the people of England of all religious denominations—Church, Protestant Nonconformist, Roman Catholic alike—that religious teaching should not be excluded from our schools. I believe the advocates of secular schools to be in a very small minority—I am of course assuming, when I express this opinion, that a secular school is one in which no religious or scripture teaching is permitted; and I believe that of the

small minority who would send their children to such a school, the greater part would be influenced, not by any desire that their children should not receive instruction in religion, but by a fear lest from the instruction given they should be led to form opinions of which the parents would not approve.

I think it will be admitted by all who concur in the belief that a great majority of the people desire to have religious instruction in our schools, that the enactments in the Education Act upon this most important subject, touching as it does the deepest feeling of our nature, are in fact a compromise of conflicting opinions, and a compromise of a most liberal character. It is left to denominational schools which continue their independent action, to teach just as they have hitherto taught, subject only to the indispensable condition that the conscientious feelings of all parents of pupils who dissent from such teaching shall be respected. In schools established by School Boards perfect liberty is given to the boards, subject only to the restrictions that no religious catechism or distinctive religious formulary shall be taught—that whatever religious teaching is given shall be given at specified hours—and that objecting parents may at their own option withdraw their children from the religious teaching of the school whatever it may be. Whatever objections to this compromise may be felt, it is difficult to believe that any can be founded on its not being sufficiently liberal. It is a compromise to which the sincere advocates of full denominational teaching in elementary schools gave a reluctant assent, and it might have been sanguinely hoped that it would have been accepted on all sides in a really liberal spirit.

But we are told that these hopes are to be disappointed—we are told that not only in Local Boards, but in Parliament, this painful battle is to be fought over again, and that the portion of parliamentary time, which might be devoted to continued progress in the great work of intellectual cultivation, is to be occupied in petty struggles for sectarian ascendency. I will hope for better things. In contending, as I have always done, that the religious question in education ought to be settled on a basis of liberal consideration for the views of all, I have met with much of that narrow and intolerant spirit which is too often the result of excessive zeal, and of implicit faith in the correctness of our own opinions. I have met with it in Churchmen. I have met with it in Nonconformists. I have experienced the difficulty of inducing conscientious men of strong opinions to make liberal concessions to views which they honestly believe to be erroneous. But when an overwhelming sense of the necessity for bringing

this protracted agitation to a close had led that side in the controversy, which I think certainly has not the best of the bargain, to accept the Act as it stands, and to resolve to carry it out in good faith, I feel that we had a right to expect that we should be met in a similar spirit. It is deeply to be lamented that an intention to revive this agitation has been announced. It appears that one ground of complaint has already arisen, and that another is likely to arise. That which has arisen relates to the power conferred by the Act on School Boards, where compulsory attendance has been adopted, to pay the fees of school children in cases of proved poverty of the parents.

It is now sought to impose a restriction on the exercise of this power by making it a condition of such payment of fees that the children shall only attend schools connected with the Board, and shall not be allowed to attend any denominational school, whatever the wishes of the parents may be. Considering the quarter from which this suggested restriction is said to proceed, it is impossible to regard it without surprise. It is probable that in practice such questions will not often occur, but the principle involved is important; it is in fact, so far as it goes, the principle of religious liberty, and I do not see how it can be thought consistent with either charity or true liberality, to take advantage of the poverty of a parent to compel him not to send his children to that school for which on account of its religious teaching, or on any other ground, he may feel a preference. Let us suppose the case of a Roman Catholic child whose parent is reduced to poverty, and applies to the School Board to pay the fees of a Roman Catholic School, and that the answer of the Board should be, "No, we will pay your fees, but only on condition of your child going to one of our own schools." I think such an answer could only be regarded as an act of tyranny towards the unfortunate parent, and let us hope that the Education Department will be firm in their determination not to sanction any bye-laws which would so control the discretion and liberty of parents.

The other cause of difficulty which seems too likely to arise, and which will, I think, require much caution and care on the part of both school boards and the central authority, is the question in what manner, and to what extent, can religious instruction best be given without violating the spirit or the letter of the provisions of the Act? It is distinctly enacted in clause 14 that in schools, provided by school boards, "no religious catechism or religious formulary, which is distinctive

of any particular religious denomination, shall be taught in the school." How, then, is religious instruction to be given? We must hope that in a great majority of cases school boards will not consent to exclude religious teaching from their schools? If so, is it likely to be generally satisfactory that religious teaching should be limited to simple reading of the Bible? I believe not. There remains, then, the difficult question, in what manner religion shall be taught? A solution of this question, which seems well worthy of consideration, has been suggested by a reverend friend of mine (Canon Melville), to the effect that in schools, in which religious instruction is to be given, boards should authorise the teaching of the Lord's Prayer, the Ten Commandments, and the outline of the Christian faith. The best mode of accomplishing this latter object would be by the Apostles' Creed, but if that should be held to be inconsistent with the restrictions in the Act, there would be no difficulty in selecting passages from the New Testament well adapted to effect the same object.

I will dwell no longer on this part of my subject than to repeat my hope that we may be spared a repetition of a painful conflict, and that the points of difficulty to which I have referred may be adjusted in a spirit of Christian charity, rather than of sectarian jealousy.

Another subject connected with this great effort to improve the education of the people I cannot pass over. I mean the novel, difficult, and all-important question of compulsory attendance at school. I see amongst the special questions for our consideration—"In what form, if any, can Compulsion be best applied?" As, therefore, the subject will be discussed in our Education Department, and we shall have the advantage of hearing the views of its experienced President, I shall at this time limit my own observations to saying that, while I am conscious of the difficulty of the first commencement of a system of compulsion in the present state of this country, I consider it indispensable that the attempt should be made. I observe, with very great satisfaction, in the Report of the Education Department for this year, not only that the Department is giving to this subject "the careful attention which is demanded by its importance and novelty," but that bye-laws enforcing school attendance have already been approved for the Boroughs of Liverpool, Stockport, and Bootle-cum-Linacre, at the request of the education boards of those places, and that similar bye-laws for several other important towns were under the consideration of the Department when that report was published.

This looks well; but it is in the rural districts that the greatest difficulty in the adoption of a compulsory system will be found, and it is there that the most careful consideration by the Education Minister will be required.

I must now ask your permission to advert for a short time to a branch of this great subject which has hitherto received little—I may almost say no—attention from either Parliament or the public, which nearly affects the welfare and prosperity of our skilled artisans, who are conscious of their own disadvantages in this respect, and anxious for their correction, and which touches no less directly the manufacturing and commercial interests of the country. I allude to technical education.

We cannot wonder, when we remember through what a length of time the elementary education of the people has been left to chance and charity, and what was and is a national duty has been treated as an individual hobby, as part of the pastoral duties of benevolent ministers of religion, and supported in a great degree at their own expense, from their own narrow means—we cannot wonder, I say, when such has been the treatment of indispensable elementary education by this great and enlightened country, as we consider ourselves to be, that the scientific training of boys, to fit them for those occupations and trades by which they were to live and prosper and gain reputation for themselves and their country, has been almost wholly neglected. We must take care that we do not, before long, suffer very seriously for this neglect, and without stopping to consider where the blame should rest, let us rather look to the future, and remember that "it is never too late to mend."

There are consequences of this neglect easily to be seen, and which we cannot afford to disregard. "We must take blame to ourselves for having allowed many branches of trade, skill, and commerce, which yielded to England the greatest remuneration, brought to her commerce the greatest reputation, and afforded to her people the highest wages and best work, to pass away into the hands of better educated people, in foreign lands guided by wiser heads." These last words are a quotation from Mr. Scott Russell's able work upon "Technical Education," a work which I wish was in the hands of all who feel interest in either the national manufactures, or our national education.

In England technical education may be said to be provided for some of the higher classes of professions in our universities, and in other bodies, such as Medical and Engineers' Colleges, and something has been done in Royal Schools by the

Government. I have myself taken a humble but zealous part in the establishment of the Royal School of Naval Architecture, which is flourishing and doing good service under most able management, at South Kensington. There is also the School of Mines in Jermyn Street. There is the College of Chemistry, the Agricultural College at Cirencester, and some others; but, in the sense in which I am now speaking, I agree with Mr. Scott Russell, that, "as a rule, technical education does not exist." And what is technical education? Mr. Russell's answer is—

"By technical education, I mean not that general education which we all ought to have, and which helps to make us intelligent, able, good men, but that special education in our calling, which should fit and enable each of us to discharge in the best manner the special narrow round of duty by which each citizen fills his own personal place in social life."

I have said that the more intelligent of our English artisans have become conscious of their own disadvantages in this respect.

At a meeting of representative men of this class, held in London early in the present year, their views as to their own most important requirements were drawn up under seven heads, of which the fourth was—

"In addition to schools for elementary education, there should be provided schools for practical knowledge and technical skill in the midst of their homesteads."

This is a sensible and reasonable demand. It is creditable to the men who make it, and it behoves our Government not to disregard it. This feeling on the part of our most intelligent artisans may be mainly traced to the lessons they have been taught by those international exhibitions which have been one of the leading features of the history of the last few years, and for which we are indebted to the wisdom and foresight of that great and good prince, whose loss we still lament. The best tribute we can pay to his memory is to bear in mind his example, and to follow, as best we may, in the road he pointed out. These exhibitions have taught the nations of Europe to know their true position, and to understand their real advantages and their real deficiences. It was, I think, the Paris Exhibition of 1867 that more than any other opened the eyes of Englishmen to the rapid rate at which other parts of Europe were passing us by. Other exhibitions had given

us broad hints and made us uneasy, but by the Exhibition of 1867, as Mr. Scott Russell well says—

"We were rudely awakened and thoroughly alarmed. We then learned, not that we were equalled, but that we were beaten—not on some points, but by some nation or other, on nearly all those points on which we had prided ourselves."

Our Government was at last alarmed and sent commissioners to report whether the alleged defects of our technical skill were really as great as supposed. The Schools Inquiry Commission also, then sitting, requested information from some of the eminent jurors who represented England; and, lastly, the Society of Arts adopted the simple but most wise course of offering to pay the travelling expenses of such English artisans as wished to study their own branches of trade—requiring only in return that each should report in writing what he had seen and learned. All these sources of information are valuable in no ordinary degree, but I think the last is the most so. These reports which are published and open to all, show what is thought by the ablest members of this class of their own state of skill, and culture, and knowledge, and give them a fair right to approach the Government of their country with that rational requirement which I have just recited.

Some of the answers of the Paris jurors to the Schools Commission, are most striking and most painful.

Dr. Lyon Playfair, who must be admitted to be a high authority, says:—

"Out of ninety classes there are scarcely a dozen in which pre-eminence is unhesitatingly awarded to us. . . . The one cause of this, upon which there was most unanimity of conviction, is that France, Prussia, Austria, Belgium, and Switzerland possess good systems of industrial education for the masters and managers of manufactories and workshops, and *England possesses none.*"

Mr. Mundella's statement has peculiar value, because he has been long connected with large manufacturing establishments in England and in Saxony. He says:—

"I have for four or five years past been increasingly alarmed for our industrial supremacy, and my experience of the Paris Exhibition has only confirmed and strengthened my fears . . . . . The contrast between the workpeople of Saxony and England engaged in the same trade is most humiliating; I have had statistics taken of workshops and rooms in factories in this district, and the frightful ignorance they reveal is disheartening and appalling. In Saxony our

manager, an Englishman of superior intelligence, has never met, in seven years, with a workman who cannot read and write—not in the limited and imperfect manner in which the majority of English artisans read and write—but with a freedom and familiarity that enables them to enjoy reading, and to conduct their correspondence in a creditable, and often superior, style. . . . . I am of opinion that the English workman is gradually losing the race, through the superior intelligence which foreign governments are carefully developing in their artisans. . . . . If we are to maintain our position in industrial competition we must oppose to this national organisation one equally effective and complete; if we continue the fight with our present voluntary system, we shall be defeated. Generations hence, we shall be struggling with ignorance, squalor, pauperism, and crime; but with a system of national education made compulsory, and supplemented with art and industrial education, I believe, within twenty years, England would possess the most intelligent and inventive artisans in the world."

I wish time permitted me to quote more of these instructive and interesting reports, but I must read a passage in Mr. Scott Russell's book, relating to Prussia:—

"An English statesman, after long residence in Prussia, once assured me that he regarded the despotism of Prussia as more absolute than that of Russia, and the high aristocracy of Prussia maintains its power to this day, yet the king consented to pave the way to democracy by universal education, and the aristocracy consented to raise the middle and lower classes to that kind of social equality with themselves; there, too, as with us, religious sectarianism flourished, Catholics and Protestants, Lutherans and Calvinists, hated each other with the same cordial hatred with which we Christians in England hate one another, yet the despot, the aristocracy, the middle class, and the people, all united in one great national act of self-culture."

I cannot add, as I should like to do, extracts from the reports of the workmen, but they are all to the same sad effect, and it is impossible for any one to read them without sharing the profound conviction of the writers, as Mr. Scott Russell justly says, first, of the pressing peril of the nation with regard to manufacturing pre-eminence, second, of the culpability of the educated classes, and of the Executive Government, in having so long neglected the education of the people.

Perhaps it may be doubtingly asked, are these things true? and the late satisfactory returns of the Board of Trade may be appealed to; the evidence, however, is unimpeachable. I may be told you are repeating an oft-told tale—I answer it is known

to the few, I wish to make it known to the many. The object of such an Association as this is to bring together those who are conversant with these social subjects, so that each may make his contribution to the stock of knowledge; and that thus, through the agency of the public press and our own reports, we may disseminate information, and influence the opinion of the nation and the proceedings of Parliament.

The question of technical instruction of the people is one which cannot wait. This is not a time for the Minister of Education to be negotiating foreign treaties, or helping to steer difficult party Bills through the rocks and quicksands of the House of Commons. The enemy is at the gate, not in the shape of fleets or armies, but in the shape of a rivalry in manufactures and trade, in which, if we fail to maintain the position we have hitherto held, our national prosperity will be undermined, and England's wealth, and power, and greatness will be a story of the past. Let us, then, be wise ere it is too late. The train is behind time, and if the guard cannot recover his lost ground, there will be a collision, in comparison with which the late prostration of unhappy France will be as nothing. The depression of France will be ephemeral—the ruin of England would be enduring.

But, important as I consider this subject of technical education to be (and I earnestly hope that the views I have so strongly expressed will go forth as sanctioned and approved by this Association), we should bear in mind that there are other respects in which the skilled workmen of this country consider their position to be unsatisfactory, and especially when they compare their position with that of men of the same class in other parts of Europe. This is a delicate and difficult subject, especially at the present time, when we are daily disturbed by rumours of international organisations for political purposes, and when we know too well that there are not wanting men who devote themselves to attempting to inspire the minds of our working classes with feelings of discontent and disaffection, and so to make them instruments for the accomplishment of revolutionary objects.

I hope it will be the opinion of this Association that I am now touching on a subject immediately within our proper sphere of action; that it is a subject from the discussion of which honest politicians ought not to shrink; and that it is a subject with which our Government and Parliament ought promptly to grapple in a bold and conciliatory spirit. It is not easy to imagine any object more noble in itself, or more worthy of the highest ambition of a patriotic statesman, than to avert discontent and disloyalty amongst the industrious masses of

our countrymen, by the timely concession of moderate and reasonable requirements. On the other hand, it is not easy to imagine any conduct more wicked, more to be condemned by every honest mind, than the attempt to sow discord and disunion between class and class, by exaggerated statements and mischievous representation, which can only end in bitter disappointment to the man, and serious injury to the State. What, then, are the principal requirements now felt and urged by working men?

I have already referred to their great need of technical education, and this, if we value the prosperity of England, must be given, and on fair terms; but the object which stands at the head of their requirements is—"To rescue the families of workmen from the dismal lanes, crowded alleys, and unwholesome dwellings of our towns, and plant them out in the clear."

Another of the requirements to which they attach importance, is one which seems at first sight to be almost a matter of course in every locality, viz., an adequate supply of good food at fair cost. Now, are these demands for healthy homes at fair rents, and wholesome food at fair cost, reasonable or unreasonable? What is the present position of the English artisan in these respects, in many of our most important seats of industry? Is it not that he is destitute of that training which is essential to successful skilled labour—that his home is of the meanest and most comfortless class, but for which he is obliged to pay an extravagant rent—and that his food is of inferior quality, but of excessive price? I do not wish to draw any too highly-coloured picture, but I ask again, are these things true? If they are, even though with trade extensive and wages high our labouring class may be in a certain sense prosperous, do not expect them to be loyal and contented; with no proper training within his head, and no decent roof above it, the British artisan is not as he ought to be.

This question of the workman's home is a very serious one. It involves not only the discomfort and discontent of the parent, but the physical and intellectual inferiority of the child. I have lately read the following statement with regard to the two great cities of Edinburgh and Glasgow:—

"As to dwellings alone, how suggestive are the statistics of large cities. For example, in the better parts of Glasgow the inhabitants only average 34 per acre, and in those parts the annual death-rate is 5 per 1000. In the squalid parts (not the worst) the average is 328 persons per acre, and the death-rate 34 per 1000, that is, 29 persons per 1000 die annually from mere difference of habitation In

Edinburgh the death-rate in the worst parts is 60 per 1000, that is 55 per 1000 die in consequence of their poverty. How much disease, temptation, insanity, and crime are here involved in addition to the deaths?"

My authority for these startling figures is a paper published at Glasgow, by the Rev. Mr. Kirk, in the *Christian News*, and, even if correct, I do not mean to say that they are of general application. But it is too certain that, in and around many of our great centres of population and industry, the home of the workman is not consistent with his comfort or contentment, and that the moral and physical effects of such discomfort and discontent are worthy of serious consideration.

With respect to the supply of wholesome food at fair price —a supply indispensable alike for the labour of the parent and the growth and well-doing of the child—I fear it is too true that the workman often finds himself suffering under great and irritating disadvantages. It is, therefore, not unnatural, in these days of increased intercourse and information, that the man who is smarting under such disadvantages should look abroad, and compare his own position with that of his fellow-labourer in other lands. He will probably only look to the facts on the surface, and I fear such comparisons will not tend to soothe his discontent.

If he turns to Switzerland, he will find that to a great extent the skilled workmen, and even the factory labourers, mingle with and are part of the independent peasantry of the country, and he may feel with some justice that those who established free trade forgot that it was due to those who were called upon to embark in open competition, to enable them to do so on equal terms. He will feel that a Spitalfields weaver, paying a rent for his hovel of 5*s.* per week, and a Lake Zurich weaver, sitting rent free in the middle of his homestead—with house and food around him—can hardly be said to be fighting fair.

Nor is this all. The state of village and town education in Switzerland is such that the workman's children receive an education that fits them for practical life, and those meant to be skilled workmen get drawing, geometry, physics, mechanics, taught at a cost nearly nominal, and which, in case of need, becomes gratuitous. This description applies equally, or almost equally, to the valley of the Rhine, and other parts of Germany. But such comparisons ought rather to stimulate our Government than to depress our people. Let the English workman bear in mind that as regards Germany and Switzerland when compared with England, the social, political, and

physical differences between the countries are such as to make fair comparison almost impossible. Let him bear in mind the points, and they are not a few, in which his position is as superior to that of the Swiss as in others the Swiss is superior to him. Let him reflect on the advantage, which beyond almost every people in Europe he possesses, in the vigour, the energy, and the aptitude of his national character, and above all let him remember that it is in the power of the Government and Parliament of his country to remove, or at least to modify, those disadvantages by which he feels himself overweighted in the great race of competition.

In Mr. Samuelson's report to the Government on the rapid progress of the manufacturing establishments of France, Switzerland, Germany, and Belgium, he says, "Meanwhile, we know that our manufacturing artisans are imperfectly taught, and our agricultural labourers illiterate—neither one nor the other can put forth with effect the splendid qualities with which Providence has endowed our people." This is confirmation, and from a very competent quarter, of Mr. Mundella's opinion that, with proper culture, "England would possess the most intelligent and inventive artisans in the world."

What then is to be done? I submit that the people, for this is not a question interesting to the working man alone, have a right to appeal to the Government for active aid in this pressing matter. I agree with a distinguished friend of mine, who was one of my predecessors in this chair, that we should "impress earnestly upon our countrymen the incalculable value of self-reliance and self-help," and that in the domestic affairs of the country, we should seek the aid of Government only in the last resort; but the reforms for which our working classes ask, are on too large a scale to be entrusted solely to the self-reliance and self-help of the people themselves. The establishment of a system of technical training could not possibly be accomplished by the people. With all the aid that he might derive from the precedents of Holland, Berlin, Stuttgardt, Austria, Hanover, Carlsruhe, and Zurich, the task is one which would now, in England, require all the energy and power of an able minister, supported by a consenting Parliament.

With regard to the dwellings and food of the workman, I may be asked, "Has not the self-help of the people already established building societies and co-operative stores, and are not these sufficient?" I answer, no. They are admirable so far as they go, and they deserve every possible support, but the people can no more make them what they ought to be without further help, than they could themselves have estab-

lished the Post Office Savings Banks, which must be counted as one of the best deeds of the present Prime Minister.

The Government have the necessary information. It behoves them now to act upon it. To effect such reforms as I have ventured to suggest is beyond the power either of private individuals or even associations such as this. They can only be effected by a government which will approach the task in the same earnest spirit which triumphed over the difficulties of the late Education Acts, and which should undertake this, probably not less difficult duty, with vigorous action, with prompt application of powers given by existing laws, and with judicious legislation.

If the views I have thus presumed to advance, upon questions which I believe to be of primary national importance, find favour with this Association, we may, I think, at least be able, by calm discussion, and by collecting and disseminating information, to afford valuable assistance in a great cause. We may look back with satisfaction to the part we have taken in bringing about several not unimportant changes in our social system and in our laws. I have already adverted to the fact that to this Association is primarily due the credit of bringing about the great movement with respect to middle class education, which ended in the passing of the Endowed Schools Act, and the appointment of the Endowed Schools Commission.

In the laws of bankruptcy, in establishing the office of public health, in the improvement of our convict system, in the treatment of discharged criminals, and on other matters, important changes may be directly traced to the efforts and representations of this Society. I trust the Society may long continue its useful and beneficent action, and if to its other good works it shall hereafter be able to add that it has aided in effecting reforms in the position of our labouring classes which have increased their happiness, elevated their social status, improved their intellectual cultivation, and strengthened their attachment to the institutions under which they live, those friends and officers of the Society, who have through years of honourable exertion watched over our interests and guided our proceedings with patient care, will have established additional claims to the respect and gratitude of their country.

Address

BY

W. VERNON HARCOURT, Q.C., M.P.,

ON

JURISPRUDENCE AND AMENDMENT OF THE LAW.

THIS Association has always assigned a prominent post in its discussions to those questions which belong to the amendment of the law, and no one will be disposed to dispute the justice of giving to such a topic a leading if not a paramount place in the pursuit of social science. In a law-abiding—I was almost about to say a law-loving—country like our own, the framework of society itself is compacted and held together by the law, and that perhaps not so much by its positive sanction and actual enforcement, as by the temper of mind and mode of thought which it impresses upon all our social relations, from the mere fact that it is the law. The law in this respect acts towards society as the parent or the master does towards the child—it forms to a great degree its spirit and its character. No Englishman can have studied with any attention the history of his country even from the earliest times without being aware how large a part the law has played in the development of its liberties and the growth of its greatness. The law in this respect has had a double and reflex action, for as the law of past times has formed the character of the people, so, as that character has expanded by the progress of an advancing civilisation, the people have, by slow, sometimes it would seem by awkward steps, surely marched towards a progressive reform of the law. Nevertheless it ought to be the first object of associations such as this to impress strongly upon the public mind—I mean upon those whom the old Norman lawyers somewhat superciliously termed the "lay gents"—how deeply they are, individually and collectively, concerned in the reform of the law, and how entirely that reform, if they choose to comprehend its bearings, rests in their own hands.

I was much struck in reading the other day some observations

by a most enlightened lawyer, alas too early lost to his profession and his country—I mean Mr. W. D. Lewis—in a paper which he contributed to the Juridical Society, entitled "Popular Errors concerning Law." He says:—

"Judging from the observations and conduct of many people, it seems that they suppose the law to be some power extraneous and foreign to the nation, ruling it by sanctions over which the people have no control, and presiding over their conduct by virtue of some authority imposed upon them *ab extra*, and which they are wholly powerless to control. People, in fact, personify law and invest it with attributes. Instead of looking upon it as an emanation from themselves, the offspring mainly of their own will, and a representative simply of their own spirit, for which they are themselves responsible, they regard it as if it were some separate influence with which they have no other relation than as being concerned to praise or to blame it according as its operation in individual instances may be conformable or not to the tastes, habits, and tendencies of the people for the time being. Whether we read Bentham or the public newspapers, or listen to the common conviction of society, we are forced to conclude that the law is regarded by multitudes as some incubus resting upon the nation—which judges, barristers, and attorneys indeed may be able to struggle with—some oracle which they may be able to propitiate—but with which the public at large have no other connection than that of yielding to it a blind, helpless, and remediless submission. What, however, is the truth on this subject? Does any law exist or possess the smallest force except as expressing more or less directly the will of the people, as being the result and representation of that will, and invested with vitality no longer than that will shall suffer it? However the rule of law may have arisen, whether it be embodied in the form of a statute or constituted merely by custom; however old or however recent its origin, is it not clear that the public are themselves responsible for it? The truth of the matter is that on questions of law this public opinion is not manifested, speaking generally, in any earnest or consistent form. The very error of which I am speaking leads people to think and act as if the law were some domain on which they cannot intrude, as if it were some behest oracularly delivered from some power which popular sympathy could never approach, or upon which general opinion could never produce any impression. It results from this that there is in reality an indifference to legal questions on the part of the public. Such feeling as exists upon the subject spends itself in a desultory, fitful, and, as it were, hysterical discontent, but is not manifested by steady, abiding, and intelligent exertions proceeding from an instructed and well-informed public opinion. People, however, are not entitled to exhibit discontent with the law unless they will first endeavour to understand how far their own true relation to the law gives them the means of moulding it to their own tastes and apprehensions. If they will act as if the law were not something

for which they are themselves responsible—as if it were a mystery too recondite for them to have any concern with—as if it were in its very nature something antagonistic, and not (as it really is) a flexible representation of the public spirit whenever there really exists a public spirit to be represented—why should there be any surprise at the tardiness of law reform, or the obstinacy of ancient legal rules, or the inveteracy of antiquated legal traditions? Is it to be said that judges and lawyers ought to see to these reforms, and that they are chargeable with the delay and the resistance to change which is complained of? What more can be required, I would ask, of judges and lawyers than that they should bring their own special knowledge and special aptitudes to assist in giving effect to any well-ascertained public opinion upon the law? Clearly they are not to obstruct nor to mislead that public opinion; but in reason, surely, they may justly ask to be allowed to see that the sentiment which is said to exist is a deliberate and intelligent one."

Now it is, I conceive, in order to enlighten public opinion on such subjects as these; to make the people understand how the law affects them, for good or for evil; what are its defects, and how they may be remedied; and to bring to bear upon law reform the irresistible leverage of public opinion, that this Association invites discussion upon these topics in the great centres of population, who ought to understand they are not only the creatures but the creators, not the slaves but the masters, of the law. The field is vast, and the interests it involves are immense. The progress of law reform is notoriously slow. The cripples crowd round the pool, but unless there is some one to help them in, the work will never be accomplished. How many measures of law reform urgently needed, I might say universally approved, have been for years in process of gestation, and yet there seems no strength to bring them forth. Commissions without end upon land registration, upon judicature, upon fifty other matters of capital consequence, have sat and reported, and yet nothing has been done, and nothing will be done till a pressure, an irresistible pressure, is exerted from without. You might just as well expect a man to lift himself up in a basket as ask the lawyers by themselves to reform the law. It is you, the public, who must lift up the basket with the lawyers in it. If you expect or desire anything to be done, you must make Parliament and the Government understand that these are matters on which you are in earnest, and to which it is worth their while to attend. You must comprehend yourselves, and you must make those who have the making of the law comprehend, that questions which, in fact, affect and govern the whole of your social relations, are of, at least, as much consequence as the details of budgets, the organisation of armies, or even the

exercise of the suffrage. And then you will cease to find, what I confess I have observed with deep regret, that in the din of political struggles the fortunes of law reform are year by year less and less heeded. The questions which are awaiting a solution are so numerous and so extensive that I cannot hope even to touch upon a tithe of them. I will select, therefore, only a few which appear to be of capital importance, and upon which I conceive comparatively little difference of opinion can arise.

I need hardly point out to you that the law divides itself generally into the written and the unwritten law. The unwritten law may be taken as the basis of the whole. Its origin is obscure, but its operation is certain, and its principles in a great degree ascertained. It has grown by long tradition, by accumulated precedent, by successive decision, into a body of doctrine, which it is the business of lawyers to study and of judges to declare. The laws of succession, the laws of contract, the laws, in fact, which govern the daily relations of life, depend in a great degree solely upon this unwritten code. The Statute Law, which is matter of positive enactment, is little more than an accretion upon this unwritten law, and represents the changes and the growth to which the public opinion of successive times have given rise. It is necessary to bear in mind these different species of law, for law reform, if it is to be effective, must operate upon both, and it will be found that in both great amendment is needed. As regards the Statute Law the thing is simple enough. You may repeal an old law which you disapprove on any particular subject, and enact a new one in its place. But, as regards the unwritten law—which, as I have said, is far the most important part—you require a good deal more. If you want to effect a change in that you must reform the judicial intelligence, the legal temper of the minds by whom the unwritten law is administered, and to a great degree enacted. And this reform, I need hardly tell you, lies a good deal deeper, and is far more difficult than that of which I have just spoken. And this brings us to the consideration of the greatest and most capital of all questions of legal reform—I mean the reform of our legal education.

LEGAL EDUCATION AND THE INNS OF COURT.

We heard the other night from our respected President some weighty observations upon the urgent need of systematic technical education. But if this is necessary for the due advancement of special arts, it is far more necessary for the cultivation for that greatest of all arts, the art of distributive justice, which governs the relations of men in a civilised society. It is super-

fluous to observe that on the legal training of those by whom the laws are to be made and administered must depend in a main degree the quality of the law itself. This is a subject which has recently been brought under the consideration of Parliament by one probably better fitted than any other living man to speak with authority in such a case—I mean Sir Roundell Palmer. He said in his speech in the House of Commons:—

"If there is one point upon which public opinion may be said to be almost unanimous, it is that legal education is, and has long been, in a very unsatisfactory condition. Ages ago chief justices spoke of our Inns of Court as a legal university, and not only was there a strong desire to establish in them an efficient school of law, but they were provided with large resources and means intended to produce great results. The whole of that system has fallen into a state of decay, and within the recollection of those now living, it is no untrue description of our law studies to say that they have been unscientific, unsystematic, desultory, and empirical. The want of a scientific foundation is felt everywhere. The great and notorious defects of form and consistency in our legislation are, in a great measure, the result of law not being studied in England as a science; and, so far from their being any promise of amendment in this respect under the present system, there is every prospect of matters becoming worse. The judicature again suffers greatly; for as judges are multiplied in the superior courts, and local courts are established throughout the country—a multiplication which is absolutely necessary for the due administration of justice—that multiplication itself tends more and more to bring into prominence the want of governing principles, and the incoherent character of our jurisprudence. With the multiplication of judges we discover constantly diverging views, a continually increasing variety of precedents, and increasing uncertainty in their application."

This severe but just censure on the present condition of legal education in this country is fully confirmed by another of the most eminent lawyers of our time. In his inaugural address to the Juridical Society, Lord Westbury says:—

"It is indeed a singular thing to note the contrast which exists between the indifference of the professors of law and the anxiety shown by those who are engaged in other departments of science. . . . . It is a sweeping censure that I would gladly have disproved or largely qualified, that, as a body, English lawyers have done little for the advancement of the science of jurisprudence. The neglect of this study is plainly evinced by the contrast between the legal literature of England and of Continental countries. Whoever will address himself to the task of directing a course of education in the philosophy of positive law will become painfully aware of the poverty of English authors, whilst the catalogue of any French, German, or Italian library supplies numerous works, as

well for the elementary as the more matured student in jurisprudence. To what, then, is to be attributed this neglect of the study of jurisprudence by the English lawyers? The cause is probably to be found in the peculiar and anomalous condition of the Bar of England, and in the mode of education that has been hitherto followed. . . . . One of the chief obstacles to the progress amongst us of the science of jurisprudence is the want of a systematic and well-arranged course of legal education."

It is the more discreditable that this condition of things should exist, because, in 1846, a Committee of the House of Commons was appointed to consider the question. That Committee reported—

"That the present state of legal education in England and Ireland in reference to the classes professional and non-professional is extremely unsatisfactory and incomplete, and exhibits a striking contrast and inferiority to such education, provided as it is with ample means and a judicious system for their application, at present in operation in all the more civilised States in Europe and America. . . . That it may be asserted as a general fact to which there are very few exceptions, that the student, professional and unprofessional, is left almost solely to his own individual exertions, industry, and opportunities; and that no legal education, worthy of the name, is at this moment to be had either in England or Ireland. . . . . That among the consequences of this want of scientific legal education, we are altogether deficient in a most important class, the legists or jurists of the Continent, men who, unembarrassed by the small practical interest of their profession, are enabled to apply themselves to law as to a science, and to claim by their writings and decisions the reverence of their profession, not in one country only, but in all where such laws are administered."

The responsibility for the present state of things must, as Sir R. Palmer has pointed out, lie chiefly at the door of the Inns of Court, who, enjoying an immense revenue, of the disposal of which they render no account to the public or to the profession, have done little or nothing to discharge the trust for which those revenues were bestowed. The history of the original institution of the Inns of Court has been treated in a pamphlet of great learning and ability by Mr. Thomas Marshall, of this town.

The Committee of 1846 recommended that the Inns of Court should be united so as "to form for all purposes of instruction a sort of aggregate of colleges, or, in other words, a species of law university." In spite of the report of the Committee of 1846, and of the Royal Commission of 1855, little has been done. It is true that lectureships, under the management of the "Council of Legal Education," have been established.

But Sir R. Palmer justly observes that "the thing has worked in a languid, imperfect manner, because the scheme was not comprehensive or bold enough to produce serious and important effects." With a view to supply these great and notorious defects in the position of legal education, a number of distinguished members of both branches of the profession, with Sir R. Palmer at their head, united themselves last year into a society called the "Legal Education Association," with the object of obtaining the establishment of a legal university, whose examination shall be an indispensable condition to the admission of students to practice as barristers and as solicitors, and which would also offer the means of a sound legal education to those persons who might desire to pursue the study of the law, though not intending to follow the legal profession.

It is greatly to be regretted that a plan propounded on such high authority, and supported by such weighty reasons, should have met with opposition on the part of those bodies by whom it should have been chiefly supported—I mean the Inns of Court. In spite of the concurrence of Gray's Inn and the Middle Temple, it seems that Lincoln's Inn and the Inner Temple are resolved, if they can, to keep in their own hands the monopoly of that legal education to which they have hitherto contributed so little. I am still more sorry that in this obstructive policy they should have found an able advocate in the House of Commons in Mr. Jessel, who, in his recent speech in opposition to the resolution proposed by Sir R. Palmer, seems to have adopted the doctrine of Dr. Pangloss, that everything "is best as it is in the best possible of worlds,"—I mean of legal worlds. The conduct of the Inns of Court in this matter necessarily challenges an inquiry into their whole position with reference to the legal profession. I think every one who knows anything of their character and administration will concur in the observations of Sir. R. Palmer, when he says:—

"What pretence is there for the claim of the Inns of Court to retain this exclusive control and management, now that the country at large is moving in the matter, after they have so long failed in performing the duties for the sake of which, I take the liberty of saying, they originally existed? It appears to me that they have no just right to claim the exclusive control and management of the future system. . . . These societies themselves are but ropes of sand. They are bodies held together principally by dinners, by occasional councils, and by other formal and occasional acts. . . . They resemble clubs more than public bodies, and not even clubs of such a kind as to unite their members in any very close bonds of mutual association. If they have not, in times past, though possessed of large pecuniary resources, though actuated by the best intentions

in the world, and though presided over by men of the most honourable character, shown themselves equal to dealing with the subject, I take it to be for the reasons I have mentioned, and because they had no corporate character, no legal organisation, no acknowleged public trust or responsibility. Now, therefore, that the interest of the public is aroused, and that there is a general desire to see a powerful organisation established upon larger and broader views, I cannot recognise the claims of these societies to keep the whole matter any longer in their hands."

How it is that these public bodies who have entirely failed to perform their public duties—how it is that whilst Corporations and Universities and other endowed bodies have been compelled to submit to reformation, these Inns of Court have so long maintained a monopoly of undisturbed uselessness, it is difficult to explain, except upon the ground that the legal profession is, of all others, the most conservative and that which is the least disposed to reform itself or to admit reform from others. An eminent legal friend of mine, who has great professional experience in matters of that sort, told me the other day that there was ample material for filing an information against the Inns of Court for breach of trust. The practical difficulty in the way is that as the Attorney-General for the time being is always a bencher, he would have to proceed against himself as *particeps criminis*. If, then, this Association really desires to forward the paramount cause of a liberal and enlightened legal education accessible to the whole community—unprofessional as well as professional—be well assured that the pressure must come from without. And I would counsel you, as the first and indispensable preliminary, to obtain by the potent leverage of public opinion an effectual demand for the radical reformation of the Inns of Court; and to seek from Parliament a measure which shall terminate the existence of these "ropes of sand, held together principally by dinners," in order that they may be reconstituted as a legal university worthy of the country and of the profession.

THE BAR AND THE SOLICITORS.

I confess I look forward, as one of the indirect effects of the institution of a legal University, to a gradual and beneficial reform of that absurd and, I believe, mischievous etiquette which divides the two branches of our great profession. When young men study together at our legal University it will be impossible to separate them in after life because one becomes a barrister and the other a solicitor. The old circuit crime of "hugging" an attorney has vanished before the levelling influence of the first-class railway carriage. And much as I fear the sentiment may

shock some of my learned brethren, I believe it would be for the advantage of both branches of the profession, and still more of the public, if they were more united in responsibility and action, as they are in the United States and on the Continent. If you want to secure a highly-educated Bar, you must have highly educated attorneys—not on the principle that "who drives fat oxen should himself be fat;" but because men seldom appreciate qualities they do not themselves possess. I am happy to know that on this subject I may fall back on the high authority of my friend Mr. Justice Hannen.

REFORM OF STATUTE LAW.

Having thus laid the foundation of a satisfactory administration of the unwritten law in a sound legal education, there will remain the department of jurisprudence, which depends upon positive enactment or Statute. The chaotic condition of the English Statute Law is a thing which every one deplores and no one has yet attempted to remedy. A great deal, it is true, has been done to consolidate or simplify the criminal code, and on that head, though somewhat unscientific, I do not know that there is much to complain of. But the rest of the Statute Book is, or was till lately, a confused jumble of Sibylline leaves which seemed to have been scattered by the winds and gathered together without regard to sense or order. The Statute Law Commission, it is true, has done useful work in weeding out obsolete rubbish and reducing the bulk, if not in consolidating the matter, of the law. There is at last a prospect that the intolerable mass of the Statute Book may be reduced within some manageable compass, and two volumes have brought us down to the reign of George III. I do not enter now into the large question of the practicability of a code. But even assuming the present system of fragmentary legislation on every possible subject to continue, much is still wanting even to keep the small vantage-ground we have reached. The defects of our present system are perhaps inherent in our very institutions; and I for one would not sacrifice those institutions to any system, however symmetrical. I think it was Lord Salisbury who observed the other day, that in this country we have the "weakest executive and the slowest legislative action in the world." This is probably true, and I should be the last person to desire to see it changed. The weakness of the executive is the guarantee of the liberty of the subject, and the tardiness of our legislation is a security against wanton and ill-considered change. Still without detriment to our actual institutions, something may be done to remedy the

practical inconveniences which arise from them. We have, for instance, a series of Statutes with reference to some particular subject, such as Trades Unions, Merchant Shipping, or anything else. The Acts are passed at various times, and for different objects. The author of the Act is ignorant—probably careless—of what has been done before. And the judges are called upon to administer a bundle of incoherent documents of equal authority, and very possibly of inconsistent language. How this comes to pass, any one acquainted with that singular transaction—the passing of a Bill through a committee of the House of Commons after midnight—will easily understand. Amendments are proposed and adopted on the spur of the moment, which are entirely irreconcilable with previous Acts, and, perhaps, with the Bill itself, and a law comes into operation, for whose framework 658 gentlemen are collectively responsible, but with whose defects no one in particular can be individually charged. If this is the case with Bills introduced on the authority of Government, it is still more the case with what are called private members' Bills, which slip through and become the law of the land, often without consideration or supervision. It is a singular anomaly, that in the case of private Acts of Parliament, by which only private interests are affected, every kind of safeguard is provided; they are examined by officers of the House of Lords, and the judges, I believe, still report upon them. But in the case of measures affecting vitally the interests of the whole community, no similar precautions are taken. The Statute Law Commission have recommended that a permanent Board of experienced lawyers, representing the various branches of the profession, should be established, to revise and report upon all Acts of Parliament before they pass the third reading. Such a Board could fulfil functions something resembling those of the Thesmothetæ of Athens. Their office is thus described in a book of authority:—

"As the law-making power depended on the vigilance and sagacity of private citizens, Solon added a more certain provision for correcting defects and incongruities which might creep in through error and inadvertency. The Thesmothetæ, who were naturally led by their judicial practice to notice the imperfections of the law, were officially authorised to review the whole Code, and to report all Statutes which they deemed void or contradictory to the legislative committee, in order that the law might be restored to its pristine simplicity."

With this example before us, I think the English Parliament might take a lesson from the wisdom of Solon. Whether such a board as that recommended by the Commission would be the

best body to whom to attribute these functions, or whether it might not be better to assign them to the Judges of Appeal, to whom I shall by and by refer, is a matter which might be considered; but that some provision of this kind for the constant and permanent revision of the Statute Book is absolutely necessary in order to deliver us from a state of discreditable and mischievous confusion I think no one can doubt. The most efficient provision for securing unity and simplicity of the law would be to insist that all amendments of the Statute Book should be made in the form of consolidation Acts of the former Statutes referring to the same subject. But I fear that the difficulty of passing Bills consisting of many clauses through the House of Commons would offer an insuperable obstacle to such a reform. We must content ourselves, therefore, with some scheme which shall reduce the amending Bill into consistency and conformity with the previous law.

With these observations upon reforms required to keep the principles of our written and unwritten law in a sound and efficient state, I pass to the next, but hardly less important, matter of judicial organisation. It is of little use to have good laws, good judges, and good lawyers unless the machinery by which the law is to be administered is so organised, methodised, and arranged that the best results may be produced with the materials and workmen at our disposal. Without this we may have so much waste of time, labour, and money, as to defeat all our other reforms.

CONSTANT SESSION OF COURTS OF LAW.

In connection with this head of our subject, I desire to press upon your attention a matter which seems to me of the highest social consequence—I mean the importance of having the courts of justice constantly open, and accessible to the public. I know I am touching upon tender ground when I propose to assail that great institution dear to lawyers, the "Long Vacation." But, after all, the fundamental principle of law reformers is that law and lawyers exist for the public in opposition to that which I fear is too much the fact, that the public exist for law and the lawyers. Let me be permitted to enliven this dull discourse by a very pleasant professional jest of a learned friend and tutor of my own, to whom I owe all that I ever knew of law. He said, referring to this matter of vacations, the rule of law seemed to be *fiat justitium ruat cœlum* rather than *fiat justitia*. For the benefit of the ladies (if in these days it is permitted to suppose that ladies know less of Latin than men) I will venture to explain that *justitium* was the Roman lawyer's Latin for the vacation or suspension of the courts of justice, and the maxim

freely translated would mean—"Let us have our long vacation, and the deuce take the public."* What can be more monstrous and indefensible than that a man, whose rights are invaded, whose property is endangered, whose character is damaged, is substantially for three months in the year without possibility of redress. If a man finds it necessary to commence an action in July, he can make no progress with his suit till November. The partial remedy of a temporary injunction may not be available. In the meanwhile, his witnesses may die or disappear; his interests may permanently suffer; and, in any case, justice delayed will amount, in a great degree, to justice denied. As I came two or three days ago in the train to Leeds, I fell in with a friend of mine, a very eminent Equity practitioner. He told me it was notorious that persons frequently waited for the long vacation to do acts of more than doubtful legality, trusting to impunity from the difficulty and expense of obtaining an injunction to restrain them in the long vacation. And he gave me instances in which leading counsel had been taken down at immense and intolerable expense to Carlisle, to Bath, and even to South Wales, to find the Vacation Vice-Chancellor (who generally resides in some distant part of the country), in order to obtain an injunction. I may point out that, if the injunction should by error be refused, an appeal to rectify the mistake would be practically impossible. Why is this to be? It will be said that judges and lawyers must have holidays. But so must persons occupied in other professions. Yet it is not found necessary to suspend business altogether. You don't shut up all the churches and chapels in the country for a quarter of the year. If you are ill you are not called upon to wait three months for a doctor. I don't conceive that in Leeds the banks, or the counting-houses, or the manufactories, are closed for a long vacation. The army and navy are not disbanded for three months to give the officers a holiday. Why is law to be the only business which is incapable of being continuously conducted? Clergymen, ministers, doctors, bankers, merchants, soldiers, and sailors, manage to carry on their respective affairs by such arrangements as shall allow of their having the necessary relaxation in a manner consistent with the public convenience. If you want to buy an estate, make a marriage settlement, draw a deed, or make a will, you find your solicitors' office open. The public offices of State and the police courts are constantly at work. Why are

* The *justitium*, by the way, was only proclaimed on critical and solemn occasions, and became almost synonymous with a "public mourning," in which respect it differs materially from the long vacation.

the courts of law to be closed? I will presently endeavour to show that the existing judicial staff is amply sufficient, if properly organized, to provide for a constant session of all the courts of justice, so that the administration of the law may flow in a constant and equable stream, and yet leave to each judge in turn a period of rest equal to that which he at present enjoys. But then it will be asked what is to happen to the Bar? I know well that this is the true pinch of the case. But if constant accessibility in administration of the law be, as it is, a matter of paramount consequence to the nation, I venture to answer the Bar must take care of themselves. They have no pretension to oppose their personal interests to the rights and wants of a whole people. And what, after all, does the inconvenience to the Bar amount to? The leading practitioners want a vacation likewise. Well and good—let them take it when and for so long as they require or desire it. It will be said, what is to become of their business in the meanwhile? I reply, just what becomes of the business of a great physician or surgeon when he takes his holiday. The only real purpose which the long vacation serves is to protect the monopoly, already sufficiently great, of a few principal practitioners. In their temporary absence no doubt an opening would be left for those who are the next successors—a result which I confess does not seem to me very disastrous either to the public or to the profession. The best men will always command the largest practice, but it is intolerable that the interests of a whole community should be made subservient to increasing the gains, already abundantly large, of a few men who by merit and good fortune have attained the first place. The law is a bountiful mistress, and richly rewards her favourites; but to demand that her beneficent influence should be suspended altogether for a quarter of the year in order that the few should monopolise her favours, is that to which it seems to me the many are by no means called upon to submit. The recent scandal in the Tichborne case has brought this matter so prominently into view that I trust public opinion may be brought to bear upon it in such a manner as to render the demand for a constant session of the courts of law one of the most urgent questions in the programme of law reform.

This matter of the constant session of the courts of justice leads me to the consideration of the present arrangement of the judicial staff, and the urgent necessity for a reform in its organization.

JUDICIAL ORGANIZATION.

I need not enlarge on the defects of the present system, for full justice has been done to its demerits by the weighty

authority of the Judicature Commission. The constitution of our courts of justice is by universal admission a solecism in jurisprudence and an anachronism in history. It is nothing better than a confused jumble of the traditions—sometimes of the accidents—of past times which have left us with a system of judicature wholly inappropriate to the demands and necessities of an advanced civilisation. All that can be said in its favour is what can be said of most English institutions, that the practical common sense of the people has done much to remedy the logical anomalies of their procedure. Certainly, if Adam Smith had desired to find a counterpart to his celebrated illustration of the advantage of the division of labour in the manufacture of pins, he might have found it in the waste of force exhibited by the clumsy arrangements of our judicial industry. Let me place before you the exact force of judges as at present existing in what are called the Superior Courts. They are as follows:—

Courts of Equity.		
Chancellor	1	
Lords Justices	2	
Master of Rolls	1	
Vice-Chancellors	3	
	—	7
Courts of Common Law.		
Queen's Bench—		
Chief Justice	1	
Puisnes	5	
Exchequer—		
Chief Baron	1	
Barons	5	
Common Pleas—		
Chief Justice	1	
Puisnes	5	
	—	18
Judge of Admiralty	1	
Judge of Probate and Divorce	1	
New Judges of Judicial Committee, under Act of 1871	4	
	—	6
		31

To these must be added that singular class, the ghosts of departed Chancellors, who, after resembling for a time the great Chancellor of Henry VIII.,—

> In full-blown dignity see Wolsey stand;
> Law in his voice and fortune in his hand,—

like Wolsey, too, have had their "blushing honours nipped by

a killing frost," and have subsided by the political accidents of the day into "law lords"—a sort of judicial whales, left high and dry by the receding wave of party politics—and who discharge, *when they please*, the occasional functions of members of a Final Court of Appeal. Taking the experience of the last few years, we may estimate the ex-Chancellors at an average of not less than four, receiving salaries of 5000*l.* a year. This gives us a total number of 35 judges of the first class, receiving salaries ranging from 10,000*l.* to 5000*l.* a year.

Now, the circumstance which has tended to make law reform not a very popular topic in public estimation is that it has been generally attended by the creation of new places. County Court Judges, Commissioners of Bankruptcy, Judges of Registration Courts, &c., &c.—places often filled by the reformers themselves—creating new jobs, additional expenditure, and more taxation. With reform conducted on such principles, I confess I have little sympathy. The sum at present voted annually under the head of Law and Justice amounts to 4,007,544*l.*—an enormous, and, I believe, a most unnecessary amount. I am firmly persuaded we ought to get a great deal more work for a good deal less money. I am sure that no country in the world pays anything like that amount for results so little adequate to the expenditure. We want, it is true, a great deal more judicial work done than we get at present. We want a Final Court of Appeal constantly sitting. We want the courts of justice continually open. We want more frequent circuits for civil business. We want more numerous gaol deliveries, in order that innocent prisoners may not be unjustly detained in confinement. When we say we want all these things, we shall be told that means more judges, more money, more taxes. Not at all. I am firmly convinced that with the judicial strength you at present possess, if it be only properly and sensibly organized, you may accomplish all that is desired without any greater expense, and consistently even with large economies. The great waste of judicial force from which we suffer is due to the retention of a number of obsolete arrangements. We have three Courts of Common Law—the Queen's Bench, the Exchequer, and the Common Pleas,—with entirely distinct jurisdiction, though the reasons for their separation have long ago ceased to exist. We have the great and crying evil of the separation between the administration of Law and Equity. Nor is it only in the constitution of the courts themselves that we find these senseless breaches of continuity in the system. The waste of time, of labour, and of money, due to the dislocation of business by terms, vacations, sittings in term, sittings after term, sittings of the Exchequer Chamber, circuits,

&c., make the economical apportionment of time and of judges impracticable. Just consider the state of things in one of our Courts of Common Law at the present time. Before it has half got through the motions for new trials it is called off to take the special paper; before the special paper is cleared it has to be off to Guildhall to try causes at Nisi Prius; before half the list of causes is disposed of it returns to Westminster, leaving the unfortunate suitors to enjoy their remanets and the counsel their refreshers. No sooner has it got back to Westminster and commenced the business *in banc*, than it is summoned to hear appeals in the Exchequer Chamber, and before the appeals are concluded, it is dispersed all over the kingdom in circuit. Under such a system as this no man knows when his case will be heard or when his cause will be tried.

I am not sufficiently familiar with the practice of the Courts of Equity, to say how far the same objections obtain there. But I remember being engaged in a suit of considerable importance before Vice-Chancellor Kindersley, and I recollect that in consequence of the interpolation of other business it was heard on five separate days, at intervals varying from four to ten days, and each hearing occupied, on an average, three-quarters of an hour, the whole cause being one which could have been easily disposed of in a day's sitting. How the learned judge managed to piece together the fragmentary history of the case in his mind, separated as it was by such long intervals of time, I have never been able to understand; and how any one derived advantage from the arrangement, except the solicitors and barristers, who got additional fees for reduplicated attendance, I confess passes my understanding. Now, I venture to think that the block and interruption of business, so annoying and costly to suitors, and so unsatisfactory in respect of the administration of justice, arises not from any defect in the quantity or quality of judicial power, but in the lamentably defective state of judicial organization. Every one knows that with labour of all sorts, whether physical or mental, the amount of work done depends upon the proper distribution of available force. If you make one man do half a dozen things at broken intervals, he will not accomplish one-half the work which he would perform if he worked continuously at a single occupation. If you want to make a coat, you have one man to shear the sheep, another to card the wool, another to spin the yarn, another to weave it, another to dye it, another to cut the cloth and sew the buttons on. But in your judicial system, you employ the same man to shear the sheep, card the wool, spin the yarn, weave the cloth, cut out the suit, and sew on the buttons. No wonder this sort of suit—I mean the law suit—is very slow in the making, very expensive in the

fitting, and, when it is done, in many cases not worth the wearing. Terms, seal days, vacations, appeals, sittings, circuits, &c., so dislocate the time of the judges, that there is an infinite waste of mechanical force.

It appears to me, that in order to produce Kosmos out of this Chaos, the first thing required is, that these courts should be organized upon orderly principles. The foundations of this great and necessary reform have been laid in the first report of the Judicature Commission. The leading principles of that report will, I believe, commend themselves to all law reformers, and it is much to be regretted that no serious steps have yet been taken to give effect to its recommendations. In the principles laid down in that report, there seems nothing left to be desired. What seems wanting appears to be a courage and a boldness to carry out the principles to their legitimate consequences. In this respect I confess it seems to me the recommendations fall very far short of what is really required. This failure is probably due to the preponderance of the legal and professional element in the Commission, and the unfortunate absence of a lay and political corrective. The Judicature Commission have at all events cleared the ground, by establishing the leading principle, that the distinction between Law and Equity in the administration of justice is to be abolished. The second great principle they have laid down is, that all the separate jurisdictions of the several Courts of Common Law and Equity are to cease, and to merge in a single Supreme Court of First Instance, and in which all the judges are to have co-ordinate authority and a common jurisdiction, subject to the revision of a Court of Appeal, which is to be constructed on a new footing. Accepting these cardinal principles as settled, and as the starting-point of the reorganization of the judicial system, I would venture to offer, for the consideration and discussion of this Association, a plan which, whilst founded on the principles laid down by the Judicature Commission, goes a good deal beyond its recommendations in the extent of the changes it contemplates. We have, as I have already pointed out, at present in existence no less than thirty-five judges of the superior courts disposable for the purpose of judicial administration. The problem to be solved is, how this force may be best organized, to do the largest amount of work in the simplest, speediest, and best manner. I think it will be admitted, that in any business whatsoever, when you have a certain amount of work to be done, and a certain number of persons to do it, the first object should be to distribute the work into its natural divisions, and to set those persons most fit for each section of the business, to devote themselves continuously and exclusively

to its transaction. If you do this in all other affairs, why not in law also?

Now, discarding all the distinctions between Law and Equity, and the other multitudinous subdivisions into which our judicial system is broken up, the administration of the law really distributes itself into a few very simple heads. We have (1.) The fundamental distinction between issues of law and issues of fact. (2.) In order to ascertain these issues, we have a certain procedure, the object of which is to state with clearness and precision the nature of the matter in dispute. This is what is technically called pleading. These three heads, viz.—(1.) Procedure to ascertain the nature of the question to be tried; (2.) The trial of the question if it be matter of law; (3.) The trial of the question if it be matter of fact, are the proper business of a Supreme Court of First Instance, and, if an appropriate number of judges are set apart to discharge the business of these separate departments continuously, we should probably arrive at the most economical employment of our available force. When the Court of First Instance has disposed of these separate stages of litigation, in order to give stability, fixity, and authority to the law, it is necessary that there should be established a High Court of Appellate Jurisdiction, which should finally settle the principles by which the Court of First Instance is to be governed.

I will endeavour to deal, in the first place, with the character and functions of the appellate jurisdiction.

NEW APPELLATE COURT.

That the existing condition of things, in respect of appellate jurisdiction, is profoundly unsatisfactory, is a matter universally admitted. Indeed, for the last fifteen years, there have been a series of ineffectual attempts to remedy an acknowledged scandal in our judicial system. The Judicature Commission has recommended the constitution of a new Court of Appeal. But the recommendation of that Commission is afflicted with a fatal defect, pointed out by one of its members—Sir Robert Phillimore—namely, that the Commission did not regard itself as having authority to consider the question of the appellate jurisdiction of the House of Lords and the Judicial Committee of the Privy Council. To deal with the question of appellate jurisdiction without regard to these courts, is practically to put out of sight the principal elements of the problem to be solved. In the Act which was passed last session for the appointment of new judges of appeal in the Privy Council, I am happy to say clauses were inserted at the instance of legal members of the House of Commons, which distinctly marked the measure as a temporary and inadequate expedient, and have reserved for further con-

sideration the whole of this capital question. It is my firm conviction that no measure will ever receive the assent of the House of Commons, which does not extinguish the independent appellate jurisdiction of the House of Lords and of the Privy Council, and merge the whole into a single Court of Appeal, whose constitution shall not be embarrassed by any other consideration than that of the persons best fitted to discharge these supreme functions. Time would not admit, nor is it necessary here to enlarge on the various grounds which have led to the almost unanimous condemnation of the appellate jurisdiction of the House of Lords. All the expedients by which it has been sought to mitigate its inherent defects have proved deservedly abortive. The great speech of Sir James Graham, in 1856, and the remarks of others who took part in that debate, have, I believe, finally disposed of any hope of patching up a system which is equally indefensible in theory, and unsatisfactory in practice. Every one who has read the famous work of Lord Hale, on the jurisdiction of the House of Lords, knows that the exercise of this appellate jurisdiction by the Peers is a comparatively recent usurpation, and that writs of error in former days were heard in the *concilium regis ordinarium*, before the Chancellor, Justices, and Barons of the Exchequer. What you want in a final Court of Appeal is a court constantly accessible to the suitors, composed of the most eminent and experienced men, selected for that express object. And what does the House of Lords supply? A court which sits barely one-third of the year at irregular intervals, composed of persons who find their way there by the political accidents of party vicissitudes—of men who, when they become judges, do not cease to be politicians—with the additional disability that no one can be made a member of that court who is not in a situation to accept for his family the burthen of an hereditary peerage, for which purpose there are two chief qualifications—one that he should have amassed a great fortune; the other that he should have no children (or rather no sons, for daughters are admissible): yet it should seem that neither of these two qualifications is inseparably connected with the character of a great lawyer. I will not further detain you on a matter upon which the argument has been long ago exhausted. I will simply try it by three questions:—Is it fit that the appellate jurisdiction should be vested in a body—(1.) Which closes its doors with the Session of Parliament? (2) Which excludes the most eminent lawyer in the country because he differs from the party to which he belongs on a political question? (3.) Which excludes another most eminent lawyer because he does not wish to take a Peerage? I might add a fourth question—Is that a fit court of appeal

which decided the technical question which arose on the trial of O'Connell, by a strict party vote, or which might to-morrow leave the decision of the legality of the royal warrant for the abolition of purchase to the adjudication of Lords Hatherley, Romilly, Penzance, Cairns, and Chelmsford, who, by their votes and speeches in a party debate, had already declared their sentiments as political partisans? The objection to the constitution of the Judicial Committee of the Privy Council as a final Court of Appeal are of a different character, but hardly less conclusive. The high reputation which that court has obtained has been justly described as mainly due to the happy accident which secured to it for so many years the eminent services of the late Lord Kingsdown. But the fundamental defect of a body which, by its very nature, depends for its constitution and existence on the pleasure of the Crown, in violation of the great principle established at the Revolution, became apparent in the discussion of the recent attempt to remedy the defects of the court, when it was found necessary to have recourse to the absurd expedient of composing the Committee of Privy Council of judges who were not necessarily to be privy councillors. In addition to this remains also the fundamental defect of the limited and partial nature of the jurisdiction which the Judicial Committee has authority to exercise. It must further be considered that in the case of the Privy Council as in that of the House of Lords at present, there is no obligation (except in the case of the recently-created judges) upon any of their members to discharge the judicial functions, the result of which necessarily is that the attendance is accidental and precarious, to the great inconvenience and loss of the suitors. The simple and obvious remedy for this state of things is to supersede altogether jurisdictions which are clearly unfitted for the regular and adequate discharge of the appellate function, and to replace them by a single court which shall be constituted of the persons best fitted for the duties, which shall be constantly accessible, and composed of such various elements as shall be most adapted to deal with the diversity of matters which will come under its cognisance. And here we come upon a question of great consequence and of some difficulty, namely, whether there should be more than one appeal from the Court of First Instance. As you may be aware, at present there is a double appeal, first to the Chancellor, Lords Justices, or Exchequer Chamber, and afterwards to the House of Lords. I confess it appears to me that if you create a really powerful and competent Court of Appeal, all the argument is in favour of deciding the question by a single appeal. If that position is accepted you will then be able to get rid of the complicated and multifarious jurisdiction of the Chancellor, the Lords Justices, the Exchequer Chamber,

the House of Lords, and the Judicial Committee, and concentrate the whole in one great Appellate Court, which ought to be composed of a sufficient number of the most eminent men in every department of jurisprudence, who, sitting continuously, should dispose of the whole appellate business of the empire. For this purpose I would propose that the Appellate Court should consist of ten members, of whom one should be the President of the Supreme Court of Appeal, with a Vice-President, and eight other judges. This number is that selected by the Judicature Commission, who propose to compose the court of the Lord Chancellor, the Lords Justices, the Master of the Rolls, three permanent Judges, and three Judges of the Supreme Court (to be annually nominated by the Crown). To this method of composing the court there seems to me to be serious objections. I cannot discover clearly whether it is the intention of the Commission that these judges should be exclusively occupied in appellate business; if so, I do not understand why they are to retain different titles, and, I presume, receive different salaries. If they are still to perform their present functions the objection to the dislocation of the regular functions of the ordinary courts, in order to constitute an appellate jurisdiction, would still prevail. In the second place, the annual nomination of three judges by the Crown seems to be neither a very convenient nor, indeed, very constitutional proceeding. To make one-third part of the appellate tribunal annually dependent on the patronage of the administration, is a proposal which I feel sure neither the country nor the House of Commons would ever tolerate. What I would venture to suggest is that this highest court of the kingdom should be a permanent court, that it should sit constantly, without interruption from other judicial duties, and that it should be composed of all the elements of various excellence which every branch of the profession can afford. It has been well observed that it is only by experience that it can be discovered whether a successful advocate will make a good judge. But, in the constitution of the Court of Appeal we should be able to select those who have on the Bench proved themselves endowed in the highest degree with the judicial faculty. The ten judges of the Supreme Court would embrace in their number the best commercial and real property lawyers amongst our judges; they would include at least one eminent Scotch judge; probably it might be advantageous to take from the Irish Bench some judge conversant with the particular social condition of that country. It would likewise include Indian judges, some lawyer who had made colonial law his special study, and persons who, it may be hoped, will be more numerous in the future than they have been in the past, who,

like Sir William Scott, are deeply versed in the Civil Law, the Law of Nations, and General Jurisprudence. In order that this court might be constantly sitting whilst an adequate vacation was provided for the judges, I should propose that eight judges should be continually on duty. Each judge would thus have a vacation of ten weeks in the year, two being always off duty at one time. If the court rose for a fortnight at Christmas this would give a vacation of three months to every judge, a period which no one will be disposed to say is too short. The eight judges thus constantly at work, might sit as was most convenient in one or two divisions, the chief justice of the court having power to arrange the business as he thought best. In cases of great consequence the whole judicial strength might be brought to bear. In ordinary causes probably two courts might be constantly sitting, one consisting of five, the other of three members, which would be variously composed, according to the character of the business to be disposed of—the President of the Supreme Court presiding in one division and the Vice-President in the other. I need hardly insist on the advantages which such a plan would offer as contrasted with the present system. Instead of precarious hearings, at uncertain periods, by a court accidentally composed, we should have a system of appellate jurisdiction constantly accessible, whose business would be regularly disposed of by judges selected for their special fitness for this particular purpose. It will not be denied that a court of such authority, by the permanence of its character and the fixity of its decisions, would give an amount of certainty and stability to the law which it greatly requires. The argument of Sir R. Palmer, in his evidence before the Lords' Committee of 1856, has entirely convinced me that, in a Court of Final Appeal, the judgment of the court ought, as it is now in the Judicial Committee, to be unanimous. In a court so constituted, with such facilities for the despatch of business, all that delay which is productive of so much cost and annoyance to the suitor would disappear, and an appeal to the Supreme Court would be no more tedious and expensive than any other stage in the suit. It may be thought that such a court would be a too expensive luxury, and would make fresh demands on the patience of the taxpayer. But I would undertake to find the means for its support without adding a farthing to the judicial expenditure. It would be a great error to underpay the judges exercising these high functions. You cannot expect to get the best men from so highly-paid a profession as the Bar except by offering to the judges high salaries. The President and Vice-President of the Supreme Court of Appeal would be the highest judicial functionaries in the country, and should receive the salaries of the Lord-Chancellor and the Chief

Justice of England, namely, the one 10,000*l.*, the other 8000*l.* a-year. The other eight judges would receive 6000*l.* a-year, which is the salary of the Lords Justices in Equity at present. By taking the salaries now paid to the Lord Chancellor, the Chief Justices and Chief Baron of the Courts of Common Law, the Lords Justices, the Master of the Rolls, and the Ex-Chancellors, you will find you have a sufficient fund to provide for the payment of the Supreme Court of Appeal on the scale I have indicated. A very great economy might be effected by the abolition of the numerous and excessive staff which has grown up about separate Courts, a matter to which I will presently refer. It has been said it would not be easy to find so large a number as ten judges fitted for the duties of the appellate jurisdiction. I confess, to me the difficulty appears of the opposite nature, namely, to limit the persons who have just claims upon such a situation to so small a figure. If it were not invidious to mention individuals, I think I could produce double that number of names, from any or all of whom might be selected the Court of Appeal of which any country and any profession might be justly proud. Indeed I feel half disposed to borrow from the Scotch and Irish establishments sufficient funds to provide two more Judges of Appeal, so as to make up the whole number to twelve.

THE OFFICE OF LORD CHANCELLOR.

As I have mentioned the office of Lord Chancellor, I will venture to remark that the time seems now to have arrived, especially in connection with the constitution of a new appellate jurisdiction, when the whole nature and functions of that office should be reconsidered with a view to its reformation. Nothing but the antiquity and traditional splendour of the office could explain or justify the existence of so anomalous a functionary. Whilst all the other judges in the land are, by the fundamental principles of the Constitution, made irremovable by the Crown, the Chancellors share the fate of the Minister of the day. Whilst the judicial office is in all its other departments carefully guarded from the influence of party politics, the first judge in the country is essentially a party politician, and his politics are of the very essence of his judicial position. Since the recent reform in the Court of Chancery his original jurisdiction in Equity has been greatly contracted, and his appellate authority has become superfluous since the institution of the Lords Justices. The absurdity of connecting the head of the law exclusively with one part of the profession, namely, the administration of Equity, is sufficiently obvious, and it becomes positively scandalous when, as happens as often as not, from the exigencies in politics, the Chief Judge in Equity knows nothing of the principles or the practice of the court in which he presides.

The time has arrived when the head of the law should no longer be the sport of the vicissitudes of party, but should be the permanent head of the great court, which, in the last resort, is to settle the law for the whole empire. I would therefore separate altogether the judicial from the political functions of the office of Chancellor, and make the Chancellor in his legal capacity the permanent President of the Supreme Court of Appeal. From the nature of our Constitution it is necessary that such a department as that of law and justice, expending out of the public taxation no less than 4,000,000*l.*, should be represented in Parliament by a responsible minister. I would propose, therefore, to constitute the office which has been so long wanted, viz., a Minister of Justice, to whom would be attributed all the political functions now exercised by the Lord Chancellor, and also the whole of the legal and semi-judicial business of the Home Office. There would then, I think, be no reason why the Home Office and the Board of Trade should not be consolidated into a single department, having cognizance over all domestic administration.

THE LAW OFFICERS OF THE CROWN.

It is worthy of consideration whether, as the judicial head of the law would — as he ought — cease to be a member of the Cabinet, the office of Attorney-General, who is the politico-legal adviser of the Government, should not, as in America, be raised to a higher dignity. It has always seemed to me most absurd that when political questions of the greatest importance arise, such as those connected with civil disturbance at home, or international quarrels abroad, the authority vouched by the Government is not that of their Cabinet colleague the Chancellor, but that of the comparatively irresponsible law officers of the Crown, whose opinions are always referred to but never produced. It appears to me that the person whose advice is in fact acted upon ought to be a minister responsible to the country. I cannot but think that the whole position of the law officers of the Crown requires to be reconsidered. The Attorney- and Solicitor-General enjoy an official income of not less, often much more, than 10,000*l.*; an income equal to that of the Lord Chancellor, and twice as great as that of the Prime Minister. And yet, as a general rule, they pack the affairs of the public into the interstices of their private business. How small a portion of the time of a Crown lawyer, with a large private business, is given to the State, is well known. And yet for a salary of 10,000*l.* a year, the nation has some right to expect that it shall have at least the "first call," which, when placed in competition with private clients, it seldom gets.

With these suggestions for the constitution of a Supreme Court of Appeal, I pass on to the consideration of the Court of First Instance.

COURTS OF FIRST INSTANCE.

It will be seen that in order to constitute the Appellate Court, I have absorbed the offices of the Lord Chancellor, Lords Justices, Master of the Rolls, the three Chiefs of the Common Law Courts, and the Ex-Chancellors. As I have before shown, there still remain undisposed of twenty-five judges of the class of Vice-Chancellors, Puisne Judges, &c., including in the number the judges in Probate and Admiralty, and also the four recently created judges of the Privy Council. These twenty-five judges, with their several functions properly distributed, will, I believe, be more than ample to discharge the duties of Courts of the First Instance, in a much more efficient manner than they are at present fulfilled. For the business to be transacted at head-quarters in London, I would take eighteen judges. I propose, in the case of the Supreme Court of First Instance, as in that of Appeal, that it shall be constantly sitting and perpetually accessible. In order to give to the judges, as in the former case, a proper vacation, it would be necessary that three of the judges should be always *en congè*. This would admit of each judge having two months' vacation, besides a fortnight at Christmas (which would be the only universal vacation), or ten weeks vacation in the year; a holiday which, I believe, most men in business or office would envy. There would thus be fifteen judges of First Instance sitting every day of the year, with the exception of the Christmas fortnight vacation. These judges would fulfil the functions now discharged by the ordinary Courts of Common Law and Equity; but they would discharge them without the interruption introduced by vacations, terms, circuits, and sittings in appeal. I need hardly point out to any practitioner, what would be the economy of time and labour, if the Court of Queen's Bench, for instance, sat for the transaction of business continually without vacations, without circuits, without intervals of Exchequer Chamber business, without sittings at Westminster or Guildhall. I think it would not be too much to say, that its power for the transaction of business would be more than doubled. It must be obvious to any one how the business would be simplified, expedited, and improved in regularity and despatch. Now the business of the Court of First Instance naturally divides itself into three heads, and when the fusion of Law and Equity is effected, will fall into the following distribution:—(1.) Practice and Procedure; (2.) Issues of Fact; (3.) Issues of Law. It seems

to me that what you require is to make provision for the effectual and constant transaction of each class of business under these several heads. I would assign to each department a competent number of judges who should be constantly occupied in despatching its business. Experience would show what was the proportion of judicial force required for each class of business. For the sake of illustration I will for the present divide them equally. There would then be five judges sitting daily all the year round to transact the business of Chambers as it is called. They would take all the business now transacted at Chambers, and it would probably be found possible to transfer to them all the ordinary motions now made in Court connected with legal procedure. Under them would have to be reorganised the whole system of the Chief Clerk's and Master's office, in order to secure a more speedy and satisfactory transaction of the business of administration, by which the Court of Chancery is now so grievously blocked up.

Next to the question of procedure comes that of the trial of issues of fact. These are now mostly confined to what are called causes at Nisi Prius arising in the ordinary procedure at Common Law; but when the special jurisdiction of Equity disappears, a great deal of the business now heard indiscriminately by the Court of Equity will resolve itself into its separate elements of law and fact. We must make, therefore, a more extensive and constant provision for the trial of issues of fact than we at present possess. I should, therefore, propose that, instead of the present occasional Nisi Prius sittings at Westminster and the Guildhall, there should be five judges constantly sitting in London for the trial of issues of fact, whether arising out of suits in Law, Equity, Bankruptcy, Probate, Divorce, or Admiralty; in short, to dispose of all questions of fact, however they may arise in any legal proceedings. I do not intend in any way to interfere with the functions of the jury as it at present exists, though I do not doubt that in course of time, various sorts of questions will more and more be left by the consent of the parties to the decision of the judge. I doubt if in questions where character, damages, or liberty, are involved, a jury could ever with advantage be dispensed with. These judges would have the assistance, in matters of account and business not well disposed of in court, of the official referees recommended by the Judicature Commission, and to whom I shall presently refer. I think any one acquainted with the business of Nisi Prius in London would agree that two or three judges constantly sitting could dispose of the business far more satisfactorily than is done at present in the confused rush of the sittings, in which the judges have to be off to Westminster almost as soon as they

have arrived. It would be easy to dispose of the business in classes, so that criminal cases should be tried in one court, divorce cases in another, admiralty cases in another, and so forth.

Having thus provided for the constant and regular disposal of trials of fact, it remains only to consider how to deal with the issues of law, *i.e.*, the class of questions which are now adjudicated by the Courts of Westminster sitting *in banco*. The Judicature Commissioners have animadverted on the groundless distinction which now prevails in the practice of the Courts of Equity and Common Law. In Equity a single judge is considered as sufficient in the Court of First Instance to adjudicate upon all questions of law and of fact which arise within his jurisdiction. In the Courts of Common Law, on the other hand, the business is thought to require the presence of three or four judges. Yet the questions at issue in the latter case are not more important than those in the former. As the Judicature Commissioners justly observe, "there would therefore seem to be either a want of power in the Court of Chancery or an excess of power in the Courts of Common Law;" and the conclusion at which they arrive is that, "With a Court of Appeal constantly sitting and easy of access, matters of great importance might properly, as now in the Court of Chancery, be left to the jurisdiction in the first instance of a single judge." Adopting this conclusion, we should have five judges composing five different Courts of First Instance to dispose of issues of law. They would have to discharge the business which now devolves upon the three Courts of Common Law sitting *in banco*, and that of the Vice-Chancellors and Master of the Rolls in Equity, so far at least as matters of law are concerned. But when it is considered that they would have at their disposal all the time which the courts now consume in London sittings, circuits, and vacations, and all the time which the Equity judges expend upon matters which are not questions of law, it will be admitted that their number would be far more than equivalent in point of judicial time made available for the transaction of this description of business. They would further be relieved altogether from that great mass of business which arises out of Nisi Prius causes in the way of applications for new trials and the decision of points of law reserved. As it would not be expedient to submit to a single judge matters in the nature of an appeal from another judge of co-ordinate authority, I should propose that the whole of this class of questions should be carried at once to the Court of Appeal, which, sitting constantly in two chambers, would have sufficient time to dispose of them. Thus the London business of the Courts of First Instance will have been completely pro-

vided for. We shall have five judges constantly disposing of the business of procedure at Chambers, five judges constantly trying issues of fact, five judges perpetually occupied in the trial of issues of law; and thus every class of business will proceed in an uninterrupted flow; and presiding over the whole, and giving fixity and unity to the administration of the law in all departments, would be a Court of Appeal whose proceedings being constant, speedy, and uniform would act as the pendulum does in regulating the movement of a clock. As regards the Judges of First Instance, it will not be at all necessary to confine them to the monotonous transactions of one particular class of business. They will be all co-ordinate and co-equal judges of one Supreme Court, and each will be able to fulfil the duties of each department interchangeably. As each judge will be on duty nine months in the year, he might take three months in each department, or those who were considered to have a special aptitude for one particular line might be exclusively devoted to it. For the purpose of distributing their functions properly and conveniently, there should be a Chief Justice of the Supreme Court, who, like the general of an army, would have authority to order the work of the judges as he thought best. He would determine the rotation of the work, and would direct how many and what judges should undertake the business of each court. He would have a Deputy Chief Justice who would preside in his absence. The Chief Justice would have a salary of 8000*l.* a-year, and the Deputy 7000*l.* a year. The rest of the sixteen judges would have 5000*l.* a-year, which, as they would be relieved from the expense of circuit, would be practically an increase of their present salary.

OFFICIAL REFEREES.

In order to complete the organization of the Court of First Instance, it is essential to provide a machinery, which is at present lamentably wanting, in the shape of a standing body of referees, to discharge the functions which are now delegated, at great expense, and with immense loss of time, to private arbitration. There is no part of the Report of the Judicature Commission which appears to me more valuable than that which recommends the appointment of official referees. The scenes which take place on a Circuit, or at the London Sittings, are a scandal alike to the Bar, the Bench, and the profession. The unfortunate suitor who, at great expense, and after an immense loss of time, has at last succeeded in getting his case into court, and thinks, good easy man, that at length it is about to be tried, hears a mysterious colloquy between the judge and the counsel, the result of which is that both cordially agree the case is one not

fit to be tried in Court, and it is suggested that it shall be referred to some "gentleman at the Bar." This is the process familiarly known at the Bar by the term "opening a reference." It is one singularly convenient to judges, barristers, solicitors, and the "gentlemen at the Bar" waiting to be referees, indeed, to everybody except the suitors who have to pay for it. The briefs have been delivered, the counsel have been paid, the witnesses summoned all the costs incurred, and then, just to get rid of the case, and escape from the unseemly hurry-scurry of an ill-organized judicial system, the unhappy litigant finds he has to begin all over again. The "gentleman at the Bar," who is constituted the judge at the expense of the suitor, has other engagements, the arbitration drags its slow length along for weeks, months, sometimes for years, and at the end the suitor finds that, having paid the costs of the suit, the costs of the arbitration amount to three or four times as much more. I know that in more recent times this evil has been somewhat abated by the power given under the Common Law Procedure Act, and that in matters of account the work has been well done by the Masters of the Courts. But their limited power still leaves much scope for the old practice. Of all the abuses of our judicial system, this seems to me to be one of the worst and the most intolerable. I do not deny that there are matters of account and of detail, which are not susceptible of being conveniently tried at Nisi Prius (though I think the judges and counsel contrive to find a good many more of such cases than they need), but if the suitor is remitted to another tribunal, it is too bad that he should have to bear the expense of both. If he is to be sent to arbitration, a competent arbitrator, ready to do his work, should be found as a regular part of the judicial system. I trust that under a proper organization of judicial referees, the abominable hardship of private references will disappear. I propose, as part of the plan, to establish in London ten permanent official referees, with salaries of 1500*l.* a-year. The number may seem large, but their duties would be multifarious. I should propose that they should consist of persons selected for various qualifications: thus one or more of them might be professional accountants; one, possibly, a surveyor; one a man of science, who might act as assessor or referee in patent causes; and so on; indeed, that they should be a body of experts in the different classes of facts which will ordinarily come within their cognisance. They should have the same vacation as the judges, and their number would admit of eight constantly sitting. One of their principal functions should be to settle special cases, in which the facts would be found, and the matters of law referred to the Court. Probably

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also a large part of the work now transacted in the Master's offices, or in those of the Chief Clerk, might be with advantage transferred to these officials. There is nothing which seems more to require reform than the block of business in these external avenues of the law. The administrative business of Chancery, in respect of trust estates, winding-up suits, &c., &c., requires an entire reorganization. But this is too large and intricate a question to enter upon at present. At some future time I shall be prepared to show, that by a simplification and consolidation of these offices, a more rapid despatch of business may be effected consistently with a large reduction in the present enormous expense of the staff.

CIRCUITS.

It will be observed that I have as yet made no provision for the business of circuit, and that I have devoted the whole time of the eighteen Judges of First Instance to London business. But, on the other hand, I have only as yet disposed of twenty-eight out of the thirty-five available judges. There are seven, therefore, in reserve; and I would propose with that force to transact the provincial business of circuit. The present arrangements of circuit are notoriously inconvenient and unsatisfactory. The first and great objection is, that in order to transact the business of circuit, the whole judicial organization in the metropolis is entirely suspended and broken up twice, and in part three times in the year. This state of things, which was tolerable when the transactions of the country were small, and necessary when the means of communication were few, is entirely inappropriate to our present condition. But, in spite of this great dislocation of the central business, the arrangements for the benefit of the country are wholly inadequate. Circuit in most places is still governed by the old geographical traditions, and takes as little cognizance of the growth of population and wealth as did the House of Commons in the days of Gatton and Old Sarum. I read that twenty-two circuit towns have less than 10,000 inhabitants, six places have less than 5000, and eight or nine places have little above that number. How many large and populous places have to send their causes to be tried in small and unimportant towns? And, furthermore, between the spring and summer circuits eight months must always elapse, during which no cause can be tried, except by sending up the witnesses, attorneys, &c., to London, at great expense to the suitor and much hardship to the London jurymen.

The remedy for all these evils is one which has long ago been recommended, and which seems to be favoured by two members of the profession of great authority—I mean the Solicitor-

General and Mr. Justice Smith—who, in their note appended to the report of the Judicature Commission, recommend as an alternative "that the present system of circuits should be altogether discontinued, and provincial courts established with assigned districts, having judges who shall go frequent circuits to convenient places within such districts." I confess this scheme appears to me to be recommended by every possible consideration of convenience. If England was divided into seven districts, called circuit districts, and seven judges of the Supreme Court of the First Instance assigned to them, the judge of each district might reside in some convenient place within the district, and hold his circuit courts at regular intervals in all the principal places of the district. He would have all the dignity and authority of a judge of assize—though he might possibly dispense with the high sheriff and his javelin men—and, in fact, fulfil exactly the same functions as the judges trying issues of fact in London. The appeal from his decisions would be immediate to the Supreme Court.

Let us see how this plan would work in practice. Suppose we divide England into seven districts, and take ten principal places in each district. The judge might hold in each place an assize averaging a week in length, for ten successive weeks in each quarter of the year, with an interval of three weeks between each circuit, which would give him three months' vacation yearly. Thus every place of any importance would have a quarterly gaol delivery, and a quarterly despatch of its civil business, either in the town itself or at a convenient distance. I have put down tentatively (of course without sufficient knowledge to arrange the local details perfectly), the sort of places which would come under the operation of such a scheme.

North-Eastern District.	*North-Western District.*
Newcastle.	Carlisle.
Durham.	Whitehaven.
Darlington.	Lancaster.
York.	Preston.
Hull.	Liverpool.
Leeds.	Manchester.
Doncaster.	Rochdale.
Sheffield.	Bury.
Halifax.	Wigan.
Bradford.	Macclesfield.
Midland District.	*East Midland District.*
Birmingham.	Retford.
Stafford.	Lincoln.
Wolverhampton.	Peterborough.
Derby.	Cambridge.

Midland—continued.	*East Midland—continued.*
Coventry.	Norwich.
Stoke.	Ipswich.
Leicester.	Bedford.
Nottingham.	Northampton.
Warwick.	Buckingham.
Bewdley.	Rugby.
West Midland District.	*South-Western District.*
Chester.	Truro.
Carnarvon.	Plymouth.
Shrewsbury.	Exeter.
Aberystwith.	Bridgewater.
Pembroke.	Bristol.
Swansea.	Stroud.
Cardiff.	Salisbury.
Hereford.	Southampton.
Gloucester.	Portsmouth.
Worcester.	Oxford.
South-Eastern.	
Harwich.	Hastings.
Hertford.	Tunbridge.
Reading.	Dover.
Guildford.	Canterbury.
Brighton.	Chelmsford.

This list of names is merely suggestive. Experience might prove that it was expedient to devote more time to a fewer number of places.

I need hardly point out the advantages of such a plan over the present system. Instead of two civil assizes and three gaol deliveries a year held at three or four towns at considerable distances, there would be four civil and criminal circuits held every year at ten places in each district. The bustle and confusion of the assize would disappear. Business would be regularly and rapidly transacted. It would probably end in many causes being tried on the spot which are now carried at great expense of time and money to London. And it is not unlikely that before long these courts would draw to themselves and absorb a great part of the business now transacted by the County Court judges, the recorders, and even the Quarter Sessions. By the establishment at a moderate expense of a circuit clerk in each circuit town the judge would be made aware of the amount of business which might be expected at each place, and he could arrange the time to be devoted to each accordingly. I observe that in the annual estimates a sum of 10,000*l.* a year is voted for payments for judges' lodgings. If a sum of 500*l.*

a-year were allotted to each of the district judges for the expenses of their lodging, &c., at the ten towns which they had to visit twice a year, this would give to each district judge a salary of 5,500*l.* a year, and the Exchequer would save 6,500*l.* by the arrangement. I should not propose that the seven judges should permanently reside in the circuit districts, an arrangement which would not conduce either to their advantage or that of the public. They might either serve in rotation with other judges in London, or, which perhaps would be better, the younger judges on their first appointment would take the provincial districts, and on vacancies occurring they would be removed to London with the advantage of the experience which they had gained in provincial practice.

LOCAL JURISDICTION.

The whole question of local jurisdiction is one of great importance, and of no less difficulty. The old idea that all the business of the law was to be transacted "in the King's Courts at Westminster, before the King himself," has become wholly unsuitable to our modern condition of society. The palliatives of Circuit and of County Courts have only partially met the requirements of the case. It seems, indeed, absurd that towns like Leeds, Manchester, Liverpool, and Birmingham, should be obliged to resort to London for their law. The plan I have proposed would go a long way to meet the principal inconvenience, which consists in carrying the witnesses in trials of fact to such a distance. I wish I could see my way to localising the whole procedure, so that writs might be issued, pleadings settled, the interlocutory business done, and the legal issues decided also on the spot. But the difficulties in the way of such a system seem too great to be surmounted at present. It would be impossible to transact this sort of business at very numerous points. It would be necessary to have some one centre in each provincial district, but if a Newcastle or a Carlisle suitor had to go to York or to Liverpool for his law he might, in these days of railroads and penny posts, almost as well send it to London. If we cannot, therefore, decentralise the system altogether, we must be content, for the present at least, to have the legal procedure despatched, as at present, in London, and leave the Circuit Judges in the provinces to dispose of the trials of fact, though I would give them in that respect universal jurisdiction over all kinds of causes, whether arising out of Law, Equity, Bankruptcy, Probate, Divorce, or Admiralty. That the proposed district judges will have abundance of time to dispose of a very

large increase upon the present business is apparent from the returns in the Judicial Statistics of the number of causes now tried upon Circuit.

I think the figures will probably surprise some of my hearers as much as they have done me:—*Causes tried in* 1870:—Home Circuit, 207; Midland, 143; Norfolk, 58; Northern, 27; Oxford, 97; Western, 62; Bristol, 40; North Wales, 35; South Wales, 26; Palatine of Durham, 11; Palatine of Lancaster, 306.

I, of course, anticipate a very large increase in these numbers from three causes.—(1.) That when greater facilities are given for local trials, many causes which are now sent to London will be tried on the spot. (2.) The merging of all the several jurisdictions in Equity, Law, Bankruptcy, Divorce, Probate, Admiralty, &c., into one system will give rise to separate trials of matters of fact to a far greater degree than exists at present. In fact, the provincial judge will sift out at Hull or Liverpool all those questions of fact which now come in a miscellaneous way before the Vice-Chancellors, the Judge in Bankruptcy, or the Judge of Admiralty in London. And (3.) I anticipate that a large part of the business which now occupies the County Courts will come before the Superior Judge, either in the way of original or appellate jurisdiction.

COUNTY COURTS.

The matter of the constitution and action of the County Courts is one which requires careful review. I believe the subject is engaging the attention of the Judicature Commission, but they have not presented any report on the subject, and have not (what I think is to be regretted) allowed the public the advantage of seeing the evidence they have taken. However, we have sufficient facts in our possession to satisfy my mind that there is room and necessity for an extensive reform and economy in the whole organization of the County Court. First of all we have the appalling figures of 414,706*l.* in the estimates as the cost of the County Courts, besides 92,700*l.* for the judges, or more than half a million of money in all. It is true a large part of this money is recouped to the Treasury in fees, but that is accomplished by exactions enormously oppressive in proportion to the sums dealt with. I shall say nothing at present about the staff of the County Courts apart from the judges. Its cost is immense and, I believe, quite unnecessary. Indeed, I think it may be seriously questioned how far a judicial tribunal should be made, what the County Courts practically are, a machinery for the collection of small debts. My remarks will be confined to the judicial body of the County Courts. I find there are sixty judges at a cost

(including travelling expenses) of 107,000*l.* By the judicial statistics it appears that these judges do not sit upon an average above 135 days a-piece, and some of them sit less than 100 days in the year. If they sat 200 days in the year, or one half more than they do at present, they would still (excluding Sundays) have four months' vacation in the year, a period I should imagine sufficiently ample. But if that were so, the work they do at present might, by a consolidation and reconstitution of their circuits, be perfectly well done by a number of judges equal to two-thirds of the present number. I would therefore propose to reduce the number of County Court judges from sixty to forty. This would be at once a saving of 35,000*l.* a-year to the country.

But it is not only the quantity or cost of the present County Court work which requires to be considered, its quality also has been gravely questioned. Nothing can be further from my desire than to speak with disrespect of a class of functionaries, who, I believe, on the whole, discharge their duties in an exemplary manner. We have amongst us here a gentleman who fills the office of County Court judge in a neighbouring district, who, by his learning and position in the profession, would be entitled to the highest post on the Bench of the Superior Courts, I mean our friend and Vice-President, Mr. Daniel. But this is not, and cannot be expected to be, the rule. When you have an inferior office, with a lower salary, you must expect, and you do in fact get, as a rule, men of a less distinguished order. I must also beg pardon for observing that this judicial class seems to have been particularly exposed to the baneful influence of political patronage and personal favouritism. To say that the solicitors generally are satisfied with the administration of County Court justice would, I fear, not be correct. How can it be otherwise? You have recently accumulated on these judges a very multifarious and complicated jurisdiction in Equity, Bankruptcy, Admiralty, and Probate; indeed, their functions are now more onerous and difficult than those of the superior judges. How can you expect that it should be satisfactorily exercised? If these men are universally equal to such difficult tasks, why are they placed in an inferior position and why do they receive an inferior salary? The result is that you have some sixty barristers, of ordinary attainments, exercising a most extensive jurisdiction throughout the country, without any unity of action, or any means of giving consistency and fixity to their principles of decision, which are just as difficult, and quite as important in small as in great cases. Every judge of Assize is subject practically to three appeals,—to the Court *in Banco*, the Exchequer Chamber, and the House of Lords. The County Court judge is practically not

restrained or guided by any accessible appellate jurisdiction. The cost and difficulty of carrying an appeal from the County Court to the Courts in Westminster is such that the number of appeals is curiously small—attended, however, by the remarkable fact that the proportion of reversals of decisions is singularly large. Now, as a remedy for these obvious defects, I should propose to incorporate the County Court system with the Provincial Superior Courts which I have suggested. I would, in fact, make the County Court judges in each of the seven provincial districts a sort of puisnes, subordinate to, and subject to an appeal to the provincial judge of the Court of First Instance. This would give a readily accessible and cheap appeal on the spot from their decisions to the superior judge and would give to their jurisdictions a uniformity of principle and practice which they at present want. Taking the number of County Court judges at forty, as I have proposed, and excluding the London district, this would give a staff of about five County Court judges to be distributed in the most convenient manner through each of the seven provincial districts. With these six judges, one superior, and five inferior judges in each district, I believe the local jurisdiction might be more efficiently and better administered than it is at present. Confidence would be established on the part of the profession and the public in the system, to a degree which would allow of your extending your local jurisdiction to a greater degree even than at present. By degrees I anticipate that you would restore so large a part of the business which now goes to London to its own locality, that you would probably be able to spare enough judges from London, to double the number of superior judges in the provinces, and so in the end completely localise your jurisdiction—a matter the importance of which I, equally with my friend Mr. Daniel, fully recognise, though I seek its accomplishment by somewhat different means. Under the proposed new organization of local jurisdiction, the less important cases would go to the County Court judges, and in cases which, though small in amount, involved important principles, there would exist a cheap and ready appeal. Except when the superior judge thought fit to send the case to the Supreme Appellate Court, I would make the appeal to him from the County Court judge final. I would also give to the superior provincial judge the power of employing the County Court judges as official referees, to whom he could remit questions which he could not conveniently try—a thing which is as much wanted in the country as in London, and for which at present we have no provision. This question of County Court organization is one of great importance and complexity, and I have been only able to deal with it in outline. There is no doubt that the vast and costly staff of Registrars requires to

be entirely revised in order to make it both less expensive and more efficient. The work of the superior provincial judge at each of his Circuit Towns (the localities of which, as I have said, must be determined by experience and local convenience), will be (1.) To dispose of all criminal business; (2.) To try the civil causes brought before him in his original jurisdiction; (3.) To hear appeals from the County Court judge of the district. This being done at each place four times a-year, will bring the business into manageable compass, and afford in each case a speedy and cheap remedy.

THE SUBORDINATE STAFF OF THE COURTS.

I now come to another matter, which seems to me to demand revision and reform—I mean the subordinate official staff, which has grown up, like all the rest, accidentally, and without any order, and which is consequently at once irrational and extravagant. I am no advocate, as I have said, for underpaying your great judicial functionaries, and I think no one will say that the salaries I have proposed to assign to the different offices are inadequate. But the salaries of the judges themselves form an infinitesimal portion of the judicial expenditure. They bear about as small a proportion to the whole as does a private gentleman's personal consumption of food to the cost of maintaining his establishment. The judicial, like every other department of our public offices, is eaten up by the cost of what I will take the liberty to call parasitical expenses. To illustrate what I mean, I will cite, from the estimates of law and justice for this year, what may be called the personal staff of the Lord Chancellor, as distinguised from the administrative staff of the Court of Chancery.

	1871-72.
THE LORD CHANCELLOR'S OFFICES.	£
Clerk of the Crown in Chancery *	1,200
Chief Clerk to ditto	305
Second Clerk to ditto	203
Third Clerk to ditto	103
Messenger	100
Secretary to Lord Chancellor	1,200
Secretary of Commissions of Peace	400
Secretary of Presentations	400
Gentlemen of the Chamber	500
Pursebearer	500
Ditto for performing the duties of Sealer and Chaff Wax	100
	£5,011

* The office of Clerk to the Crown ought possibly to be referred rather to the class of administrative offices.

Brought forward	£5,011
Porter to the Great Seal	250
Trainbearer	200
Messenger to the Lord Chancellor during his absence from town	100
Usher of the Hall, Lincoln's Inn	300
Tipstaff	200
Messenger to the Great Seal	50
Persons to keep order in Court	300
First Clerk in the Lord Chancellor's Principal Secretary's Office	400
Second Clerk in the Lord Chancellor's Principal Secretary's Office	200
Court Keeper at Westminster	300
	£7,311

An amount almost equal to the salary of the Lord Chancellor himself. I will add the Officers of the Master of the Rolls.

Master of the Rolls' Officers.	£
1 Preacher at the Rolls Chapel	180
1 Secretary	1,200
1 Secretary of Causes	1,000
1 Gentleman of the Chamber	400
1 Second Gentleman of the Chamber and Trainbearer	300
1 Tipstaff	42
1 Usher of the Court	130
1 Porter to the Court	110
1 First Clerk in the Secretary's Office at the Rolls	175
1 Second Clerk in the Secretary's Office at the Rolls	100

It seems to me, the only person hardly used in this case is the unfortunate preacher, who gets about half the salary of "second gentleman of the chamber and trainbearer."

To these may be added a few other choice items from the same estimates.

	£	s.	d.
Stoker to the Courts at Lincoln's Inn ...	105	0	0
Bag bearer for supplying Cause Lists ...	60	0	0
Sergeant at Arms—			
Board Wages	54	19	0
Allowances	45	12	0
[To which is appended this note :—These salaries and allowances are in addition to the salary of 1500*l.* furnished for the salaries and allowances in the Estimate for the House of Lords.]			

	£	s.	d.
Messengers to Great Seal	154	0	0
Embroideress for Lord	70	0	0
Chancellor's Purse—			
Petty Bag	62	0	0

This is in addition to 1300*l.* a year expended on the mysterious office of Petty Bag.

This sort of expenditure would be ludicrous if it were not scandalous. Such items of public charge carry one back to the days of the "black book," or to the times of Eldon and the abuses which were lashed by the satire of Burke in his great speech on economical reform. Why is the Lord Chancellor to have 2600*l.* a-year's worth of private secretaryship when a Secretary of State is content with 300*l.*? What does the purse bearer do for 500*l.* a-year, and does the extra 100*l.* a-year remunerate him for actual services rendered in "chafing" the wax?—an office which I once heard a distinguished chancellor say was performed by his kitchen-maid in the scullery. The last item is 300*l.* a year for the court keeper of Westminster—a court in which for years the Chancellor has never sat. Another 300*l.* a year is charged for persons to keep order in court—I presume the Chancellor's court at Lincoln's Inn—a court in which the Chancellor sat only forty-nine days last year—a place whose transactions are not provocative of violent emotions. It reminds me of an exclamation of Mr. Windham, when some Parliamentary speaker, in the debate on the Walcheren expedition, suggested a *coup-de-main* in the Scheldt. "A *coup-de-main* in the Scheldt? You might as well talk of a *coup-de-main* in the Court of Chancery!" A remark which, Mr. Wilberforce says, threw the House of Commons into a fit of inextinguishable laughter. I will venture to say that the head of the police will guarantee the tranquillity of the court at Lincoln's Inn in which the Chancellor sometimes sits, and the court at Westminster, where he never sits, by the help of a policeman of the A division, at a guinea a week, and the country may apply the residuary 550*l.* a year to some more useful and creditable object. The same sort of reckless and wanton waste runs through all the subordinate courts. It costs 800*l.* a-year to find persons to "keep order" in the drowsy seats of the Lords Justices and the Vice-Chancellors. An ex-Secretary of Presentations has told us in the House of Commons that he had nothing to do—a thing which is easily credible. And why out of this huge staff some one could not be found for less than 400*l.* to send a circular to 999 out of the 1000 clerical applicants for every living that falls vacant, to say that the Lord Chancellor will "consider his claims," it is difficult to divine. The Secretary to Commissions in the Peace is in *pari materia.*

I might pursue the matter further—but this is enough. The thing is as lamentable as it is laughable.

Now I will take the sums at present voted for purposes quite apart from what I will call the administrative business of the court, and which may be properly applied to the formation of new staffs for the courts. They are in round numbers as follows:—

Clerks of Assize	£21,700
Lord Chancellor's Officers	7,400
Master of Rolls' ,, ...	3,600
Lords Justices' ,, ...	2,200
Vice-Chancellors' ,, ...	3,500
Judges' Clerks	26,600
Probate and Admiralty Courts	3,000
Associates	5,000
Marshals of Judges	2,500
	£75,500

Now what has to be provided is an adequate staff for each of the courts which it is proposed to establish. There are (1.) The Supreme Court of Appeal; (2.) Fifteen Courts of First Instance constantly in session in London; (3.) The seven district judges in the provinces; (4.) The official referees in London. What is wanted is an adequate—not an extravagant—staff of men competent to arrange the mechanical business of the court and to keep its records. The sort of officer required is to be found in men of the class of the managing clerks of a first-class attorney's office, or the head clerk of a barrister in large practice. As the Supreme Court will have a double chamber it will require a twofold staff. I would allow 4000*l.* a year for this staff, which would supply—

1 Registrar	£1,000
1 Deputy Registrar	800
2 Chief Clerks at £600 a year	1,200
2 Second Clerks at £300	600
2 Third Clerks at £200	400
	£4,000

For each of the Courts of First Instance in London I would allow 2000*l.* a year, and the same for the judges in the provinces. This would give—

1 Registrar	£700
1 Deputy Registrar	600
1 Clerk at £300	300
2 Clerks at £200	400
	£2,000

To the official referees I would assign two clerks, one at 400*l.* the other at 300*l.*, or 700*l.* to each referee. The staff in each of these cases would admit of an ample vacation for the registrars and clerks, and yet provide for a constant sitting of the Courts.

Let us compare the pecuniary result with the present expenditure. We should have—

Supreme Court of Appeal	£4,000
15 Courts of First Instance in London ...	30,000
7 Courts of First Instance in the Provinces...	14,000
10 Official Referees	7,000
	£55,000

as against 75,000*l.* a-year on the present system, or a saving of 20,000*l.* a-year. Indeed, the saving would be much larger, if I am to include the figures (which I have not by me at the moment) of the cost due to the judicial staff of the House of Lords, and the Committee of Privy Council, which would now become superfluous.

THE ADMINISTRATIVE STAFF OF THE LAW.

It has been objected to some animadversions I have made elsewhere on the vastness of the legal expenditure, that I have not taken account of the administrative functions performed by our judicial system. Certainly I have not been unmindful of that important and arduous part of this great question; but if chaos is the rule in our judicial system, we find confusion worse confounded in the administrative branch. Let me bring under your view at a glance the state of this matter, as it appears on the face of the annual estimates. We find—

CHANCERY—	
Master of Roll Chambers	
Vice-Chancellor's Chambers	
Accountant-General's Department	
Registrar's Office	
Examiner's Office	
Petty Bag Office	
Taxing Master's Office	£150,000
Office of Records and Writs	
Report Office	
Clerk of Enrolments	
Office of Master in Lunacy	
Office of Visitors of Lunatics	
Office of Registrar in Lunacy	
Incidental Expenses	

COMMON LAW.	
Master's Offices.	
Crown Office	£50,000
Registrar of Judgments	
Registrar of Certificates	
Queen's Remembrancer's Office	
BANKRUPTCY.	
Accountant's Department	
Comptrollers' ,,	
Chief Registrars' ,,	
Senior Registrars' ,,	
Registration of Assignments	
Registrar's Department	
Master's Department	£63,000
Registrar of Meetings	
Official Assignee's Department	
Messenger's Department	
Usher's Department	
Late Insolvent Debtor's Court	
Former District Courts	
Incidental Expenses	
COUNTY COURTS	£400,000
COURT OF PROBATE AND DIVORCE.	
Chief Court	£100,000
District Courts	
ADMIRALTY COURT	£13,000

making the astounding total of 776,000*l.*, at the cost of what may be called the administrative clerkship of our judicial system. The subject is too vast and intricate to admit of my dealing with it within the compass of this address. I have undertaken to submit the whole question to the crucible of a Parliamentary inquiry; but I think the mere recital of these multifarious and multiplied offices, will satisfy any one conversant with administration, that when the separate and distinct jurisdictions of our legal procedure are welded into one orderly and homogeneous whole, this staff may be consolidated and reorganised in a manner which shall provide for a better despatch of business (which is now far from what is to be desired), whilst at the same time a great economy of expenditure both to the suitor and the public may be effected.

COST AND RESULTS OF THE PROPOSED PLAN.

I will now endeavour to present a brief view of the results of the proposed scheme, as compared with the existing system, both as it respects costs and efficiency. And first as to cost:—

Present Establishment.			Proposed Plan.	
		£		£
7	Equity Judges ...	43,000	President	10,000
18	Common Law Judges	97,000	Vice-President ..	8,000
1	Admiralty Judge ...	5,000	8 Judges, 6000*l.* each	48,000
1	Probate and Divorce Judge	5,000		£66,000
4	Judges of Judicial Committee ...	20,000	Chief Justice ...	8,000
4	Ex-Chancellors ...	20,000	Deputy Chief Justice	7,000
	Salaries of 20 County Court Judges to be extinguished ...	35,000	16 Judges in London, 5000*l.* each ...	80,000
	Vote for Judges' lodgings	10,000	7 Judges in the provinces 5,500*l.* each	38,500
				£133,500
			10 Official Referees, 1,500*l.* each ...	15,000
	Total... ...	£235,000	Total... ...	£214,500

or on the whole the cost of the proposed plan would be 20,000*l.* a-year less than the present system.

If this sum be added to that which I have already shown might be saved on the subordinate official staff you would have a fund of 40,000*l.* a year, an amount more than sufficient to establish the office of the Minister of Justice, without any additional cost. Now let us examine the question of the comparative efficiency of the two systems.

(1.) You will have a good and competent Court of Appeal constantly sitting—a thing which is now wholly wanting.

(2.) You would have a regularly organized Court of First Instance constantly in session, and despatching all classes of business in a methodical manner—a condition of things which at present we are wholly without.

(3.) You would have a body of experienced official referees competent to deal with all classes of technical questions—a provision which our present system nowhere supplies.

(4.) You would have a similar provision through the County Court judges of efficient referees in the provinces.

(5.) You would have throughout the country quarterly circuits at all the principal centres of population and commerce, for the despatch of civil and criminal business—a thing which nowhere exists.

(6.) You would establish an easily accessible appellate jurisdiction, which would give greater unity and efficiency to the County Courts, and which would enable you safely to extend

your local jurisdiction to a degree which is at present impossible.

(7.) You would get all this, and still you would have a reserve of 40,000*l.*, out of which you might found a Ministry of Justice—a thing so long desired and so greatly required.

Who will have to complain of these changes? Not the public, I conceive, for they gain far greater accommodation and convenience at no additional charge. Not the Bench, I believe, for no judge will receive a less salary, and almost all more than at present. The first judge will have the salary of the Chancellor, but it will be permanent. There will be two judges, with salaries of 8000*l.* a year, instead of one only as at present. Eight judges will have salaries of 6000*l.*, instead of only three judges as at present. The judges of the Court of First Instance will have their 5000*l.* a year discharged of the expense of circuit, which is a heavy deduction. The judges in the provinces will have 5500*l.* Lastly. Why should the Bar or the solicitors fear a system, which, by facilitating the administration of the law, would inevitably increase business?

I have gone into long and, I fear, most wearisome details on the subject, because I am well aware how idle it is to shadow out in general terms improvements of this nature, without showing that one has taken the pains to examine the question carefully, and without, at least, endeavouring to prove that the plan is one which can be practically carried into effect.

THE LAND LAWS.

It is impossible to conclude any business which professes to deal with the general amendment of the law without making some reference to the great topic which is commonly called "The Land Question." That there are very wild and loose notions floating through the public mind on the matter is a social and political fact, which it would be vain to ignore. That, in this densely populated country, with a limited soil, the possession of the land is in a very few hands, is a circumstance which cannot be denied. That the prize is valuable, and the garrison which guard it are few, is a thing obvious to all. This is a state of things which is natural, and, indeed, inevitable in an old society, and it is one which it is impossible to change without violating all those fundamental laws of property upon which the very framework of society depends, and which it is the office of social science to defend. To shake, or even to menace, the security of that which is the main inducement to prudence, industry, and saving, would indeed be to slay the goose which lays the golden egg. It is not likely that those

fatal ideas, which have subverted Continental society, will find support in this country, still less that they will receive any countenance from those whose business and study it is, by giving to property an adequate protection, to secure to all the legitimate fruits of their own exertions. But, as the old proverb runs, "There is seldom smoke without fire," and, inadmissible as are many of the projects which have been put forth with reference to the tenure of land, it is not the less certain that the law relating to land in this country is in a profoundly unsatisfactory condition.

Speaking on this subject recently, the present Lord Chancellor said:—

"Although many of the old tenures were abolished in the reign of Charles II., the lawyers went on in the same way, and built up an extraordinary system of conveyancing — the most extraordinary system ever heard of, and probably, one never to be heard of again. He could not conceive anything much worse than the present condition of the law of real property."

When such language can be held by such authority, every one must feel that the time is come when, to use the common phrase, "something must be done." Nothing is more certain to encourage dangerous schemes than to admit an evil and yet to provide no remedy for it. I have said that it is not likely that we shall seek that remedy in subversive and anti-social ideas. The real evil is of a very different nature, and admits of a wholly different cure. It is true it is the business of the law to defend the rights of property; but, in the first place, it is very necessary that we should clearly understand what those rights of property are. Of all property there is none in which the public, *i.e.*, the nation at large, are more deeply concerned than that which consists in land. We can never forget that the aggregate of private properties in English land constitutes England itself, and that England, after all, is the possession of the English people. The nation must have, and has, in fact, what the lawyers call the "eminent domain" over the land which they inhabit. Indeed, this idea, which is essential to the very existence of every nation which has emerged from the barbarous condition of a wandering tribe, has always found its place in the law, whether in the "folk land" of earlier times, or in the feudal doctrine which, in theory, regards all land to be held of the head of the State. We act upon it every day when we compel a man to surrender his land, whether he will or not (of course with due compensation), for some work of public utility. Of all the wealth which a nation possesses, beyond all doubt, the greatest, and the most

important, is its land. Even in this country, in spite of the enormous development of trade and manufacturing industry, the greatest trade, and the most valuable of all manufactures, is the commerce in the produce of the soil. That this great national "plant," if I may be permitted the phrase, should be turned to the best account, is a matter which clearly concerns, in a most intimate manner, the welfare of the State. Yet, upon the very nature of this property, most unsound opinions prevail amongst those who conceive they are the special champions of the rights of property, and who, by the very extremity of their opinions, endanger the existence of the institution they profess to defend.

I will venture, on this subject likewise, to quote the language of Mr. W. D. Lewis:—

"Most persons possessed of property conceive that it is absolutely their own to do as they will with it. Their neighbours, the public, the State, they consider have no interest, no lawful concern in their application and disposal of it. It is theirs, they suppose, by a title which excludes all inquiry as to what becomes of it in the future. They may direct, they think, all the income which it yields, all the profit which it produces, to be hoarded and accumulated for successive generations; and they even claim to do this so capriciously that no one in whom they can have any personal interest can possibly derive any benefit from the fund. They think they may entail their estate indefinitely upon their posterity so that it shall never pass out of their family or become the subject of sale or barter. They imagine they can impose upon the objects of their bounty any and every condition that eccentricity can suggest. They can prevent, they think, their legatee from parting with it and his creditors from touching it, can require him to pass a life of celibacy and at his death not to deal with it as his own. In fact, the vulgar notion of property is that it is not the creation of the law, with such incidents only as the law has attached to it for the general good, but that ownership is an exclusive personal attribute, of the exercise of which no account can be required, and one, indeed, in the exercise of which no interest can possibly belong to others. The law, on the other hand, looks on property as an institution allowed and established for the public good. It confines, therefore, the power which this property confers to such objects and within such limits as are consistent with the general welfare. As it is not for the public welfare that the property should become a stagnant possession and unproductive to the community; as it is not good to withdraw it from commerce, or allow the dominion of it to be shackled with conditions precluding the sale of it; as it is good that successful merchants and traders, who desire to become landowners and found establishments for their families should be encouraged in such endeavours; as it is not good that property should be transmitted compul-

sorily in the line of impoverished families which have lost their influence and their means of discharging the duties of their position; as all these are considerations which the law has in view in the institution of private property, so it has guarded and qualified that institution by those just regulations—the rule against perpetuities, the Thelluson Act, the provisions against unlimited entails, and the rules which prohibit conditions against alienation and the various other conditions contrary to public policy. 'Ergo unum debet esse omnibus propositum ut eadem sit utilitas uniuscujusque et universorum quam si ad se quisque rapiat dissolvetur omnis humana consortio.' Of all these regulations and the spirit of the law which gives rise to them there is a lamentable degree of ignorance in society. Witness the numerous wills, whether of the small Cumberland yeoman or the squire of a whole county, which are repeatedly nullified by inattention to these principles. Both the one and the other considers, when making his will, that the law will execute without demur all his vain and fanciful intentions by means of which he is seeking (it may be) to retain for himself in future ages a control over that which he can no longer personally enjoy, and to retain it, too, by restricting the legitimate use of it by those that come after him."

Though it is true, as Mr. Lewis observes, that the law in theory gives no countenance to these ideas as to the nature of property, it must be admitted that in its practice it has too much ministered to these unwise tendencies. No one will deny that it is of the highest importance to the State that capital, without which no business can flourish, should flow freely into the greatest of all businesses—the cultivation of the soil. But are our legal and social arrangements such as to encourage and stimulate this application of capital to the land? Are they not, on the contrary, such as in every possible way to discourage and drive away capital from the land? In the first place, as all lawyers and most landed proprietors know too well, the cost involved in the purchase and sale of land is owing to the disgraceful state of our registration of title—some twenty times greater than the purchase of stocks. I have no time and you would have no patience to enter upon the complex and tedious question of the registration of title. It has been investigated over and over again, always with a universal condemnation of the existing system of conveyancing, but all the remedies attempted have hitherto proved wholly nugatory. The difficulty lies not so much in the registration of title as in the nature of title itself. As long as you permit land to be carved into innumerable estates—estates for life, estates in remainder, estates tail, trust estates, jointures, portions, &c., &c.—so long you will and must have an unmanageable title, and a property which, commercially speaking, is imprac-

ticable to deal with. But the commercial aspect of the question, important as it is, is as nothing compared with its social and national bearings. Though it is an indisputable proposition that all property of every kind must be held subordinate to the interests of the community,—and it is the highest interest of the community that property should be secure, in order that men should have due encouragement to save and accumulate that capital which is the reservoir by which labour can alone be sustained and a nation flourish—there are, I think, particular reasons why property in land should be an object of special solicitude to the State.

First of all, as I have already pointed out, the individual properties in land constitute in the aggregate the country in which we live. To misuse or to waste land is nothing else but to waste and misuse England. If a man has 50,000*l.* a year in the Funds and chooses to dissipate it in riotous living he alone is the worse for it. The stock passes into other hands, who know how to employ it better, and it can hardly be said that the national interests seriously suffer. But if a man with 50,000*l.* a-year in land lets his property go to rack and ruin, it is not he alone that suffers. The homesteads and the villages over 50,000 acres and the people who inhabit them suffer by his fault. The land is ill-farmed, because no tenant feels safe in investing his capital in land which he cannot himself improve, and which his landlord cannot improve for him. The peasants are ill-housed, ill-paid, ill-taught, ill-fed. Consider the contrast between the condition of a district which has passed out of the hands of a reckless and impoverished proprietor into those of a man who by his care and industry has acquired the means which enable him to purchase it. The whole aspect of the country changes. Cottages are improved, schools are built, farms are enlarged, tenants with capital are introduced, wages rise as the means of paying them increase. The land exhibits all the difference which we see between a well and an ill-cultivated field—the one desolate, sour, rank with weeds, and destitute of crops; the other standing so thick with corn that, in the language of Hebrew imagery, it may be said to "laugh and sing." Surely to facilitate and permit such a change is a matter of the highest social and political consequence.

But when I say property in land is a matter which in a peculiar degree interests the State, I wish carefully to guard my language, and not to be misunderstood. I know there are those who would wish to see the State itself assume the administration of the land. In that view I confess I cannot concur. I believe that the State is extremely ill-fitted to perform either the public or the private functions of a

landowner. If any man doubts this he can know little of the present administration of the Crown Lands. There are others who desire to obtain by legislative action the greater subdivision of land, with a notion that land may be made cheap, and be held with advantage by small proprietors. I am equally unable to concur in such an idea. You cannot by any artificial and compulsory process make that cheap which the law of demand and supply makes necessarily dear. In a rich country with a limited soil, where there is little land to be bought, and many who have the means and the wish to buy it, land is and always must be dear. You might as well think of passing an Act to make pearls and diamonds cheap. For a man with a small capital the purchase of land must always be an unprofitable and undesirable investment. He is certain to exhaust on the purchase the whole working capital which he ought to expend on its cultivation. I believe land will be best administered by leaving it in the hands of private proprietors, who buy what they want and sell when they wish, trusting to the effectual operation of the law of self-interest to teach to make the best of that which they have acquired. You cannot, without creating more evils than you cure, attempt to make men improve their property as they ought. But you can, and, in my judgment, you should, remove all those artificial restrictions which at present the law permits men to raise up in the way of that freedom in dealing with land which is the first condition of its commercial and social improvement. It is in this sense that I think the Legislature may beneficially act, not by arbitrary interference with proprietors, but by removing those fetters which embarrass the freedom of their action. In this way you may go a long distance towards the accomplishment of the desired end, without any infringement of those laws of political economy which can never be violated with impunity.

The real remedy, I venture to think, is to be sought not by a system of registering complicated titles but by a simplification of title itself. Let me try to explain what I mean to my unlearned hearers. Every one knows that by the law of England a man possessed of land in fee simple may, by deed or will, dispose of it to any number of living persons in succession, and to an unborn generation, for a limited period. In fact, a great part of the land of England is held under such dispositions, which are called "strict settlements," more popularly known by the name of the law of entail. Without entering into technical detail I may point out that the nominal proprietor of estates so settled is really not the proprietor at all. He has no power of alienation; in many cases he can neither borrow nor

charge the estate, or only to a very limited extent; for though many settlements contain powers of sale, they do not place at the disposal of the life tenant the proceeds of the sale which are re-invested by the trustees in other land or some other security. He is the mere recipient of the rents of the land, or of such portion of it as remains over after the payment of charges created by previous incumbrances. What is the practical result of this state of things? The person whom I venture to call the nominal proprietor is in the receipt probably of an income barely sufficient for the immediate wants of himself and his family. He has, let us say, a net income of 5000*l.* a year, which is absolutely settled on his eldest son. If he expends money on the improvement of the estate, he does so at the expense of the only fund out of which he can provide for his younger children, in favour of that child who is ultimately to take all. The land requires the expenditure of capital for drainage, building of cottages, erection of farm buildings, &c., &c. For want of this capital the land languishes; the population upon it pines; the proprietor himself, with a great nominal income, scrapes along in splendid penury. Where is this proprietor to get that capital which is necessary for the proper administration of that estate of which, in the true sense of the term, he is the steward for the nation, and on account of which the people dependent upon him suffer day by day? The settlement under which he holds absolutely debars him from finding the means of doing that which it is to his interest and to the interest of all around him that he should do. If he could sell, the estate might pass into the hands of some one who had the means of doing justice to it. If he could borrow he might be able to do justice to it himself. But the law allows him to do neither. And in so far as it prevents this I venture to affirm that the law of settlement is an evil to society, as it is to the land and those who reside upon it. Don't let it be supposed that this is a hypothetical mischief which has no extensive operation in fact.

If you will look at those painfully interesting documents, which must, before long, occupy the serious attention of the Legislature—I mean the reports of the Commissioners on the condition of the agricultural population—you will find how great a part of the evils, which cry aloud for a remedy, are due to this great defect of the land laws. The passages in the second report, which refer to this subject, are too long to quote, but in page 221 of Mr. Tremenheere's Report, he says:—

"It has been shown that a large proportion of the great and flagrant defects still existing in the manner in which the agricultural labourers of this country are housed, is traceable to this system of

'strict settlements,' and the consequent habit of incumbering settled estates. It has been shown that this system is of comparatively recent origin, dating only from the end of the 17th, and the beginning of the last century. If Parliament should now recognise it as, in a serious degree, injurious to the public interests, its comparatively recent origin would make it less difficult to bring it back within the reasonable and proper bounds contemplated by its inventors."

I believe, in this passage is to be found an indication of the real change which is required in our land laws, namely, a restriction of the large powers of contingent limitations which the law at present permits. The evil consists in the want of power of the nominal owner to deal with the estate, in consequence of the ulterior interests which have been lawfully created in favour of other persons. I need not say I do not suggest any interference with rights already vested. But if, in the future, the law only allowed the creation of an absolute proprietorship in landed property, either in respect of the legal or equitable estate, *i.e.* if the law allowed the erection for the future of no estates in land except absolute estates in fee simple, those fetters by which land is now injuriously confined would be gradually removed. We should no longer see land, and those who are dependent upon it, languish in consequence of a law which unnaturally retains it in the hands of persons who are unable to do their duty by it. The owner who, by his own imprudence, or by the faults of his predecessors, has so encumbered his estate that he can no longer find the working capital to deal with it to advantage, would part with it by a natural process to those who, by greater thrift and self-denial, have accumulated the means to acquire and to improve it.

I do not now enter upon the details of the change in the law which would be necessary to give effect to this principle. If the principle itself were accepted it would not be difficult to carry it out. It would be necessary to make some provision for leasing powers, and also for the case of minor children. In such a proposal, it seems to me, there is no infringement of the strictest right of property, properly understood. It is only a further extension of the limitation which the law now imposes upon the indefinite future disposition of property. It does not, like the French law, dictate the proportions in which a man shall dispose of his estate. It has no necessary tendency to the subdivision of land, though it might and probably would afford an inducement to landowners to sell outlying estates on which they do not reside, and by that means diminish that great and, I fear, increasing evil of absenteeism which, though we hear of it less, exists, and is as baneful in England as in Ireland. Such a change would merely remove

those artificial restrictions which the law imposes upon the natural passage of property from the hands of the insolvent to those of the solvent possessor. It would secure the beneficial transfer of land by a constant and natural process from the charge of those who do not know how to take care of their property into that of those who know how to take care of it. The thing which is denied is not that a man who is proprietor of an estate should dispose of it as and to whom he pleases, but that he should claim to control its disposition and impress upon the land his own will long after he has ceased to exist. Such a pretension appears to me to be as contrary to the interest of society as it is to the laws of nature. "We brought nothing into the world, and we can carry nothing out." And why should the "dead hand" be allowed to extend its grasp beyond the grave, and still paralyze by its chill touch, perhaps for half a century, the fortunes of the living? I know in my own personal experience an estate which has been absolutely bound for sixty years by the will of a former proprietor, without any power on the part of any subsequent possessor to deal with or dispose of it. What possible purpose can such a state of the law serve? whilst the mischiefs it creates are obvious enough. It will be said that the present system is necessary in order to keep up old families. I venture, however, to think that old families, if they are worth keeping up, will keep up themselves. And if they are unable to take care of themselves it is not for their advantage, certainly not for the advantage of the community, that the law should attempt to keep them up. A law framed with such an object is in the nature of a protective duty of the worst description. I don't disparage the advantages, social or political, of traditionary associations, but they will be all the stronger when they stand upon their own merits and rely upon their own resources. The scion of a bankrupt race starving on an impoverished estate in the midst of an uncared-for tenantry, is not a spectacle which is a source of strength, but rather of weakness to an ancient aristocracy. I do not desire to do injustice to the landed interest. I believe the landowners of England as a class have deserved well of the country. They have administered the great national estate, on the whole, to the public advantage. The improvements of the last thirty years effected in the land of Great Britain are, I believe, without example in any other country in Europe. Speaking generally, and in spite of great temptations to the contrary, the landowners of England have been a prudent, careful, and improving class, and the owners of even life estates have denied themselves in order to benefit their successors. They have done all this, not by virtue of the law of entail,

but in spite of it. But for such men the law of entail is wholly unnecessary; they would do just as well without it. This protection is only required by those who least deserve it. I entirely deny that the law ought to lend itself to the mere vanity of race, in order to protect men by artificial barriers from the just consequences of their own vices or imprudence, by preventing their estates from passing into the hands of those who would make a better use of them, to the advantage of the community at large. I am not unaware that, recognising the nature of the mischiefs arising from the law of settlement, various legislative attempts have been made to mitigate their consequences by giving certain powers to the owners of limited estates to deal with and charge the inheritance. All such provisions are, of course, in point of principle, so far as they go, practically a breach of the entail, and a departure from the will of the creator of the settlement. Whilst, however, conceding the principle to its full extent, these enactments have been in the main inoperative. The consents necessarily and justly required on the part of the persons entitled to ulterior interests have made these provisions practically inoperative. The reason why this is so will be found stated in the Report on the condition of the agricultural population, to which I have already referred. I am happy to see that the mischief consequent on the limited powers of the owners of real estate is pressing itself on the attention of the class from whom, if they understood their real interests aright, the amendment of the law of entail ought to come—I mean the landed proprietors themselves. Within the last week I have seen a strong expression of opinion from two members of the House of Commons, intimately connected with the land; one my friend Mr. H. R. Brand, the member for Herts, the other a gentleman sitting on the Conservative side of the House, and bearing the historical name of Cameron of Lochiel, the member for Inverness. In the speech of Mr. Brand, and the letter of Mr. Cameron, I observe that they both demand on the part of the owners of estates a greater freedom from the shackles imposed by the law of settlements. But it is not only with the class of landowners that we have to contend—there is another class to which I refer with some trepidation, on whom the fate of the question of the land laws still more depends—I mean the solicitors. Of all the vices which exist in our legal system, there is none more mischievous than the absurdity of the principles upon which the remuneration of solicitors is now settled. The plan of paying solicitors, not by the value of the end accomplished, but by the amount of the work they are able to create, renders that important class of the profession almost perforce antagonistic to

the reform and simplification of the law. No class of men, from the responsibility imposed upon them, and the high qualities they bring to the discharge of their duties, deserve to be better rewarded. But to make it the interest of a man to prolong and multiply deeds, by paying him at so much a folio, is only to degrade the profession. Before we can hope to enlist the solicitors on our side in the reform of conveyancing we must adopt the Scotch plan of making their payment like that of a broker an *ad valorem* payment proportioned to the money value of the transaction.

I have already detained you too long, and I must now conclude. A very few words more and I have done. I would venture to say, let us, whilst we advance with hope and eagerness in the path of progress towards the future, look with no unmindful or ungrateful regard towards the past, to which we owe so much, but, building on its sure foundations, endeavour ourselves to contribute something to that great stock of wisdom, the fruit of experience which we have inherited from those who have gone before us, that so we may be no unworthy heirs of the generations to whom we owe all that we have, and may like them perform our part towards those who shall succeed us. If in any or all these reforms we could succeed in engaging the earnest and active co-operation of such communities as that in the midst of which we are now collected, more than half the cause would be won. And standing here in this great town, myself born and bred a Yorkshireman, and speaking to Yorkshiremen, permit me to remind you with pride and satisfaction, that when Brougham—a name ever to be revered by this county as by this Association—went out to do battle with the legion of legal abuses, he sallied forth conquering and to conquer, as knight of this famous shire, with the sword of Yorkshire girt upon his thigh, and with the voice of Yorkshire at his back.

Address

BY

EDWARD BAINES, M.P.,

ON

EDUCATION.

I ACCEPT this honourable position with much diffidence; for of all the departments of Social Science none surpasses, or perhaps equals, that of education, either in importance or difficulty; and there are several gentlemen present whose opinions on the subject are entitled to much greater weight than mine. Giant steps have lately been taken in every branch of national education, and I believe them to have been essentially right and wise. But each advance reveals more clearly the greatness of the work that was to be done, the extent of the deficiencies to be supplied, and the difficulties of various kinds to be encountered, before we can regard the education of the people as satisfactory. We are like builders who have prepared plans and raised a scaffolding, but whose structure has scarcely risen above its foundations. The nation may be said to have required its Legislature and Government to undertake this all-important work. And these authorities having obeyed the call, they now, in their turn, appeal to the people to give effect to the laws which have been passed. For, however needful may be the action of Government to organize, inspect, and enforce, the moving and sustaining power can only be found in public opinion.

To this supreme force the Legislature itself has committed the execution of the new laws. Without public approbation neither the pecuniary means nor the moral power would be found for the performance of the task. We shall be the more convinced of this truth when we remember that in England education has been the offspring, not of a paternal government, but of political freedom. In some countries education seems to have been the parent of liberty; but in ours liberty has

been the parent of education. We had magnificent universities, the elder of which dated from our great Alfred; and every successive reign witnessed the endowment of valuable grammar schools by public and private benefactors; but, notwithstanding the proud results of these seats of learning, in a race of statesmen, philosophers, poets, and divines which the world has rarely equalled, nothing that deserved to be called popular or national education existed in this country, till it originated, a self-sown institution, at the commencement of the present century. It had then to encounter the nipping frosts of prejudice, which could not comprehend the right of the labouring millions to the cultivation of their understandings, or the true wisdom of basing the social fabric on sound and general instruction. The first attempts to give to popular education the sanction and help of Government were as timid as they were late. When they became bolder they met with opposition from various quarters and on various grounds, not merely from the opponents, but from the zealous friends of education. Happily in these later days the common sense of the working classes led them to appreciate the advantages of education, and to claim them as a right. And when Parliament accidentally stumbled into the almost desperate measure of household suffrage, the first use which the householders made of their suffrage was to demand that the entire nation should be educated. Under the new political circumstances, universal education for the first time became possible, just, and necessary; and many earnest friends, both of education and enfranchisement, who had trembled at the enfranchising of a comparatively uneducated people, learned to rejoice at the accomplishment of both those great results, though by means and in an order which they had not foreseen.

It has been the practice of many, who saw truly the inadequacy of the voluntary system to give a complete education to the people, to speak of it as an entire failure. But this judgment would neither be correct as to the past, nor safe for the future. In the past we owe more to voluntary zeal than to Government action. It was that zeal which overcame the prejudices of the higher classes and the contented ignorance of the lower. Nor was it slow in putting forth its powers. That at least must be the impression of your Chairman, who has himself witnessed the origin of nearly every agency for popular education in the kingdom, with all the cheap and valuable literature that has sprung up by their side. If these things have come under the personal observation of one man, and if the result of the whole has been to raise the proportion of scholars within fifty years from one in seventeen of the population, to about one in

seven, they deserve to be recorded in our educational history, and put to the credit of the public spirit and educational zeal of Englishmen. Especially is it desirable not to disparage voluntary efforts on behalf of education, when a very large proportion of the schools for the working classes still depend in a great degree on those efforts both for their support and management, and are likely so to continue. In the year 1870 the children present at examination, in schools receiving annual grants and under inspection, in England and Wales, numbered 1,551,806; and it was estimated by Mr. Forster, in his speech on the education estimates, that the number of scholars in those schools would, during the year 1871, increase by 300,000, which would make an estimated total in Government inspected schools actually present at examination during this year of 1,850,000 scholars.

The Elementary Education Act of 1870 was a measure involving the most important consequences to the social and political condition of England. Those consequences will require much time to develop, and it may be that the law will undergo modification. Its first exposition in the House of Commons was received with general favour, as evincing at once a strong grasp of principles and a shrewd estimate of the social circumstances to which they were to be applied. Discussion revealed serious differences as to the principles and probable working of the Bill; and Mr. Forster's firmness and patient ingenuity were alike taxed severely to carry it through the Lower House. It passed by very large majorities, but leaving a very considerable number of objectors in the country. The school board elections, which have taken place in boroughs and districts comprising an aggregate population of 8,111,971, out of a population of 20,000,000, according to the Census of 1861, must be regarded as having given a powerful sanction to the new law, and created a machinery by which it will be carried out. In most places earnest friends of popular education have been chosen, including those who have had practical experience in the work, with many who are zealous for all educational extension and improvement. As a rule, all parties and sects are fairly represented.

It must not be concealed that at least one question of great difficulty remains, on which a difference of opinion and of action has been shown by the school boards—on which the very meaning of the Elementary Education Act is disputed—and on which the Committee of Council, after requesting some of the boards to reconsider their decision, have ultimately left the boards to interpret the Act for themselves, but pointed out a serious consequence that may result. The question refers to

the payment by school boards of the school fees for the children of parents who are unable to pay them in denominational schools. As the point will inevitably lead to much discussion, it may be right to give the words of the 25th section, on which mainly the dispute turns. They are as follows:—

"Section 25. The school board may, if they think fit, for a renewable period not exceeding six months, pay the whole or any part of the school fees payable at any public elementary school by any child resident in their district whose parent is in their opinion unable from poverty to pay the same; but no such payment shall be made or refused on condition of the child attending any public elementary school other than such as may be selected by the parent; and such payment shall not be deemed to be parochial relief given to such parent."

No question arises as to the legality and propriety of remitting the fees for these poor children in the rate schools under the school boards. But the serious difference is as to the legality and propriety of *refusing to pay* the fees for these children in the denominational schools. The Liverpool, Bootle, and Stockport School Boards have enacted bye-laws which allow them not only to remit the fees in the rate schools, but also to pay them in "any other school," including of course denominational schools; and the avowed intention is to give the selection of the school to the parent. These bye-laws have received the official sanction of Her Majesty in Council, and have therefore the force of law. But the Portsmouth, Southampton, Wednesbury, and other school boards have taken an opposite view of their duty, and have passed bye-laws which would remit the fees for poor children in rate schools, but would not allow of paying the fees in denominational or any other schools. When these bye-laws were laid before the Education Department, they were in some instances sent back for reconsideration. In the case of Wednesbury, which is one of the latest, the correspondence has been published by the Department. In this case the Department stated that they were prepared to allow the bye-law, but intimated that "in the opinion of my Lords it would not be just to deprive a parent of his right to choose the particular public elementary school to which he will send his child, because, while he is compelled by these bye-laws to send his child to school, he is unable, from poverty, to pay his school fee; but my Lords cannot doubt that the School Board will see the justice of making use of the power they possess under section 25 in favour of any such parent." The Wednesbury

School Board, however, in reply, declined to accept the recommendation of the Department, assigning the following reasons:—"The form of the bye-law in question was not hastily settled. It was decided by a majority of the board after local agitation, and after prolonged and anxious discussions. The majority of the Board appeared to consider that it would not be more unjust to require the few poor parents interested to surrender their own preference for a particular school, and send their children to efficient schools established by the Board, than it would be to require ratepayers of all classes to assist particular denominations in their educational arrangements by the payment of fees to sectarian schools." The Department allowed the bye-law, but in rejoinder "thought it right to call the attention of the Board to the power given them, independently of any bye-law, by section 25 of the Elementary Education Act, by which power they will be *relieved from the necessity of enforcing penalties against a parent* who, though unable from poverty to pay a school fee, prefers that his child should attend a public elementary school selected by himself." It is obvious that the question in dispute is felt to be one of serious magnitude, which will engage the attention not only of school boards, but of the public, the Government, and the Legislature. It is, whether payments out of rates shall be made to denominational schools. It is a question involving the rights of conscience, the power of compulsion in education, the efficacy of the late Act to its proposed end, and the working of the school boards. It appears likely to draw religious and political parties into a new and grave controversy.

I believe I cannot, in consistency with my duty in this chair, avoid presenting the views by which the two sides support their respective positions.

The great objection of the opponents of paying fees in denominational schools is, that it will work almost exclusively in favour of the schools belonging to the Established Church and the Roman Catholics, and therefore in a certain sense adversely to the cause of Nonconformity. The following paragraph from a paper recently addressed to Mr. Gladstone by the Central Nonconformist Committee of Birmingham thus states the case;—

"(3.) This large proportion of the rate will be devoted almost exclusively to Roman Catholic and Church of England schools, it being the intention of several Nonconformist communities to close their schools, or to offer them to the School Board, in order that, as far as their influence extends, the children of the poor may no longer

receive their elementary education under the influence of particular religious denominations, but in schools founded and maintained by all the ratepayers in the borough. The intention of Nonconformists to abstain from future denominational action in education is witnessed by the small number of new building grants applied for by them. The result will therefore be, that in the course of a very few years almost the only denominational schools which will continue to exist will be connected either with the Church of England or Roman Catholic Church, and these will be supported by the rates in direct rivalry with the ratepayers' own schools."

It is added, as an estimate founded on the experience of the Birmingham Education Aid Society, that "probably 10,000 children in that borough will be able to claim from the Board free education on the ground of poverty; and if 8000 of these were received into denominational schools, the Board would be required to pay in school fees nearly 4500*l.* per annum." The Birmingham paper adds that the deputation which waited upon Mr. Gladstone, together with "Nonconformists in every part of the kingdom," entertain "a firm and ineradicable hostility to this new application of public money for purposes of religious teaching;" that the measure is "creating bitter sectarian animosity;" and that "the objections which were felt to the Church Rate are felt to the application of the Education Rate to the maintenance of denominational schools." In some other towns a refusal to pay the rate has been threatened, and even ministers of religion have said they would go to prison rather than pay it.

To these objections it is replied, in behalf of paying the fees—(1st.) That the Elementary Education Act expressly allows School Boards to pay the fees for poor children in any public elementary school, including the denominational schools; (2nd.) That the payment of fees for children unable to pay was not intended as a subsidy to any school, denominational or otherwise; but simply as a relief to the impoverished parent, without any reference whatever to the kind of school that might be selected: if benefit accrued to the school, it was incidental and not designed, and it was a benefit open alike to schools of every kind; (3rd.) That if it is objectionable to contribute thus incidentally to denominational schools from the rates, it must be far more objectionable to contribute systematically to those schools from the general taxation of the country; to which, however, the faith of the Government and Parliament is pledged, and which cannot be withdrawn without letting down almost all the existing elementary education of the country; (4th.) That the Act recognises the

right of the parent to select the school for his child, and that this is a right of conscience as clear as the right to avail himself of the conscience clause; (5th.) That the denial of that right would be regarded as a violation of the religious liberty of the parent, and would interpose a formidable obstacle in the way of educating the whole people, especially the poor and neglected children, many of whose parents are Roman Catholics, who attach a special importance to religious education; (6th.) That nearly the same classes of children, namely, the children of in-door and out-of-door paupers, whether Catholic or Protestant, are now, and have been for years, as a matter of acknowledged justice and necessity, paid for out of the public rates in denominational schools, and that there is not the least probability of Parliament taking away that right; (7th.) That the law, when it gives to the parent the right of selecting the school, obviously removes from the school board all moral responsibility for the choice; (8th.) That the denominational schools, moreover, are no longer connected with the State as religious institutions; they were so from the year 1846 to the year 1870, during which period grants were made to no school but such as gave religious instruction; but at the latter date, with the consent of both parties in the State, that requirement was formally withdrawn; and it is enacted, in section 97 of the Elementary Education Act, that in future "such grant shall not be made in respect of any instruction in religious subjects," and that "such conditions shall not require that the schools shall be in connection with a religious denomination; or that religious instruction shall be given in the school;" a conscience clause is also required in every such school, enabling the parent to withdraw his child from the religious instruction; (9th.) That the State now makes all its grants solely in consideration of secular instruction, and as freely to schools which are purely secular as to those which are religious; the cost of the religious teaching is more than covered by the voluntary contributions of the supporters of the schools; not one farthing more would be paid for any child in a denominational school than in an undenominational or purely secular school; (10th.) That, therefore, in the eye of the law the denominational schools are acknowledged as purely secular schools, for which the nation at large has no responsibility except as schools giving a good secular education, and that neither grants nor rates paid to them can be justly considered as an endowment of religion; (11th.) That there is no analogy between a church rate and the education rate; the object of the church rate having been purely religious and for one sect alone, whereas the object of

the education rate is for all sects and schools alike, without reference to the religious teaching.

Such are the replies given in favour of the payment of fees in denominational schools; and whilst I feel that the state of things is not agreeable to Nonconformists, I confess my judgment regards the replies as unanswerable, and approves of the decisions of the first class of school boards which have been mentioned as more correct than those of the second. It is for statesmen to consider whether the law can justly and wisely be modified; but I do not believe it is morally or politically possible (even if it be legal) to punish a poor man for declining to send his child to a school of which he conscientiously disapproves: and if it is not possible to punish, the power of compulsory education is lost for that very class of children for which it was thought most necessary.

Whilst I thus avow my honest judgment, I must remark that the school boards, like every other institution in a free country, hold their power on the condition of its fair, just, and impartial exercise. It is possible to conceive of various modes of abusing their power, which would make them odious, and destroy all hope of the peaceful working of the Act. For example, if a school board should administer the rates in such a manner as purposely, and as their obvious motive, to fill the existing schools and strengthen particular denominations, it would be a real grievance to the ratepayers. If it exercised any influence whatever upon the poor parents, to induce them to prefer one school to another;—if for the sake of filling particular schools, it should pay fees for children whose parents could afford to pay them;—above all, if it endeavoured to prevent the creation of a rate-school where, from the religious or secular views of a considerable number of ratepayers, such schools were required;—in any of these cases the conduct of the school board would be dishonourable, oppressive, and a real breach of trust, whilst a multiplicity of such cases would endanger the continued existence of local and representative management. It is true the ratepayers have the power of dismissing the members at the next election; but in the meantime local and national resentments might be provoked, which might lead to serious consequences. On the other hand, it would be clearly wrong to squander public money in building schools which would not be used, and which there is no rate-paying element to manage. Such conduct would make the new law odious in another direction.

I beg now to invite the earnest attention of the Association to the practical means by which the education of the people may be made what it should be. I would ask all men and

women who feel for the honour and interests of the country, and who know how truly our interests are wrapt up in cultivating the faculties of the people, and in expelling the ignorance, intemperance, and vice by which those faculties are so often obscured, to give their cordial help in filling the land with good schools. It would be the crown of Social Science to create an intellectual and virtuous nation. It cannot be done without more schools and higher teaching; and these cannot be had without a liberal expenditure, and the personal efforts of the friends of knowledge and truth. At no time have we been in so favourable a position for arraying the true strength of the country on this behalf. The people are self-harnessed to the car of progress. It is themselves and their children who are to be benefited, and happily they know it.

Where school boards have been elected, it is obvious that with them will rest mainly the power and the responsibility of working the new system. A mighty engine is put into their hands, and almost everything depends upon the zeal, the prudence, the skill, the perseverance, and the impartiality with which they direct its operations. So numerous and important will be their duties, that to fulfil them well will be a title to public gratitude and honour. We cannot review those indispensable duties without feeling that the school boards will have a claim, in one respect on our envy, in another on our commiseration, and in every respect on our heartiest support. It is a matter of congratulation that the Education Committee of the Privy Council, in their Report for 1870-71, "express their satisfaction with the character of the representative bodies who have been elected."

I believe I cannot render a better service to the school boards throughout the country than by presenting to them the decisions arrived at on all the great points of principle and practice by the School Board for London. That Board, as is known, comprises men of the greatest ability and experience in education—eminent scholars and men of science, head-masters of training and other colleges, authors of distinction, Members of both Houses of Parliament, and—not of inferior importance—ladies who have acquired a just reputation by asserting the claim of women to their due share of all our educational advantages. At the head of the Board is Lord Lawrence, whose statesman-like wisdom and energy raised him to the position of Governor of the Punjab and Governor-General of India, and who was hardly more distinguished as one of the saviours of India during the great Mutiny, than by his constant attention to the creation of schools for the natives. Not a few members of the Board have spent their lives in the midst of the dense

population of the metropolis, where they have encountered every difficulty that can present itself in our great towns to the educationist and philanthropist. They belong to almost every sect and section of thought; and their characters and position have commanded the confidence of the first city in the world. Such is the Board who have been sitting as a Board and in Committees, from January to September, maturely deliberating upon all the departments of their great work, and who have just condensed the results of their deliberations into a Paper entitled—

REGULATIONS OF THE SCHOOL BOARD OF LONDON, FOR THE MANAGEMENT OF ITS SCHOOLS.

I.—General Regulations.

(1.) Infant schools shall be mixed.

(2.) Senior schools shall be separate.

(3.) Large schools shall be provided wherever it is practicable to do so.

(4.) As a general rule, female teachers only shall be employed in infant and girls' schools.

(5.) The period during which the children are under actual instruction in school shall be five hours daily for five days in the week.

(6.) During the time of religious teaching or religious observance, any children withdrawn from such teaching or observance shall receive separate instruction in secular subjects.

(7.) Every occurrence of corporal punishment shall be formally recorded in a book kept for the purpose. Pupil teachers are absolutely prohibited from inflicting such punishment. The head teacher shall be held directly responsible for every punishment of the kind.

(8.) Music and drill shall be taught in every school during part of the time devoted to actual instruction.

(9.) In all day schools provision shall be made for giving effect to the following Resolution of the Board passed on the 8th March, 1871:—

"That in the schools provided by the Board the Bible shall be read, and there shall be given such explanations and such instruction therefrom in the principles of morality and religion, as are suited to the capacity of children: provided always—

1. That in such explanations and instruction the provisions of the Act in Sections VII. and XIV. be strictly observed, both in letter and spirit, and that no attempt be made in any such schools to attach children to any particular denomination.
2. That in regard of any particular school, the Board shall consider and determine upon any application by managers, parents, or ratepayers of the district, who may show special

cause for exception of the school from the operation of this Resolution, in whole or in part."

(10.) In all schools provision may be made for giving effect to the following Resolution of the Board passed on July 26th, 1871 :—

"1. That in accordance with the general practice of existing elementary schools, provision may be made for offering prayer and using hymns in schools provided by the Board at the 'time or times' when, according to Section VII., Sub-section II., of the Elementary Education Act, 'Religious observances' may be 'practised.'

"2. That the arrangements for such 'Religious observances' be left to the discretion of the teacher and managers of each school, with the right of appeal to the Board by teacher, managers, parents, or ratepayers of the district:

"Provided always—

"That in the offering of any prayers, and in the use of any hymns, the provisions of the Act in Sections VII. and XIV. be strictly observed, both in letter and spirit, and that no attempt be made to attach children to any particular denomination."

(11.) All the children in any one infant, junior, or senior school, shall pay the same weekly fees.

(12.) The minimum weekly fee in infant, junior, and senior schools shall be one penny, and the maximum fee ninepence.

(13.) The half-timers attending any school shall pay half the weekly fees chargeable in that school, provided that such half-fees be not less than one penny.

(14.) The fees payable in evening schools shall be left to the discretion of the managers, subject to the approval of the Board.

(15.) If exceptional circumstances should appear to render the establishment of a free school, in any locality, expedient, the facts shall be brought before the Board, and its decision taken upon the special case.

II.—Regulations for Infant Schools.

(16.) In infant schools instruction shall be given in the following subjects:—

(*a*) The Bible, and the principles of religion or morality, in accordance with the terms of the resolution of the Board passed on the 8th March, 1871.

(*b*) Reading, writing, and arithmetic.

(*c*) Object-lessons of a simple character, with some such exercise of the hands and eyes as is given in the "Kinder Garten" system.

(*d*) Music and Drill.

III.—Regulations for Junior and Senior Schools.

(17.) In junior and senior schools certain kinds of instruction shall form an essential part of the teaching of every school; but others may or may not be added to them, at the discretion of the

managers of individual schools, or by the special direction of the Board. The instruction in discretionary subjects shall not interfere with the efficiency of the teaching of the essential subjects.

(18.) The following subjects shall be essential :—

(*a*) The Bible, and the principles of religion and morality, in accordance with the terms of the resolution of the Board passed on the 8th March, 1871.

(*b*) Reading, writing, and arithmetic; English grammar and composition, and the principles of book-keeping in senior schools; with mensuration in senior boys' schools.

(*c*) Systematised object-lessons, embracing in the six school years a course of elementary instruction in physical science, and serving as an introduction to the science examinations which are conducted by the Science and Art Department.

(*d*) The History of England.

(*e*) Elementary Geography.

(*f*) Elementary Social Economy.

(*g*) Elementary Drawing.

(*h*) Music and Drill.

(*i*) In girls' schools, plain needle-work and cutting-out.

(19.) The following subjects shall be discretionary :—

(*a*) Domestic Economy, (*b*) Algebra, (*c*) Geometry.

(20.) Subject to the approbation of the Board, any extra subjects recognised by the New Code (1871) shall be considered to be discretionary subjects.

If I do not mistake, the subjects here indicated to be taught in the elementary schools of London are as well selected and as comprehensive as those of Germany, Switzerland, or any other country. I have before me the official "Plan of Teaching" (Lehrplan) for the Primary Schools of the Canton of Zurich, and all the branches undertaken there are also contemplated in the plan of the London School Board. Indeed there are already schools in London and elsewhere—I need scarcely mention that of Dean Dawes at King's Somborne—not inferior to those of any country; only they form the exception, and not the rule; and just complaints have been made in and out of Parliament, and specially from the Chair of this Section of the Social Science Association, and from its Council, that the method of "paying for results" by the Committee of Council on Education, though involving a valuable principle, had for some years a direct tendency to confine instruction to its barest and most unattractive elements, and thereby to discourage the study of those branches of knowledge which quicken the faculties, enlarge the mind, and supply real and intellectual food. Of late the system has been liberalised by grants for extra subjects; and though Sir John Lubbock, Mr. Mundella, Mr. Samuelson, Dr. Lyon Playfair,

and others have ably pointed out still-existing deficiencies, Mr. Forster has shown an earnest determination to raise the character of education in England as fast as it can be done.

When lately going over the noble school-houses of Zurich, I was told that they contained the children of the whole population. In Lucerne I was assured by a member of the Cantonal Council that there were not two families in that town whose children did not attend the common schools. In the Engadine a schoolmaster, when asked what was done to the parents who refused or neglected to send their children to school, seemed puzzled to conceive of the case, and at length said—"It does not occur." An English clergyman, describing the schools of a manufacturing village in the Canton of Zurich, assured me that political geography received very great attention there, that the poorest boys of twelve years of age would show an acquaintance with the history and the statesmen of England, and that the names of Palmerston and Gladstone were as well known there as among ourselves.

I can confirm, from the most recent observation, the singular perfection of the educational institutions of the Canton Zurich. The whole system is most scientifically and elaborately constructed from beginning to end; and it is as practical in its adaptation to all the wants of an industrial community as it is scientific in its plan. The schools are perfectly graded, from the primary to the secondary, the gymnasia, and the University. They have also supplementary or repetition schools, which the youth attend for one day or two half days in the week, after leaving the elementary schools, from twelve to fifteen years of age. They have every facility for obtaining technical instruction suited to their respective trades and occupations. Their moral and religious instruction is carried on through the entire school age, and is even prolonged to their seventeenth year. The teachers are highly trained at special seminaries for three or four years. Still, I repeat my conviction that England is in the way to vie even with the education of Switzerland, so far as the vast and dense population of our great towns can be brought within our schools, and kept there for a sufficient length of time; provided only the Government and people continue the efforts now making for the extension and improvement of elementary schools, for the systematising of our secondary schools, and for the establishment of a regular chain of education from the Infant School to the University.

It will have been observed that the London School Board provides, in the Infant Schools, "Object-lessons of a simple character, with some such exercise of the hands and eyes as is

given in the 'Kinder Garten' system;" and in the Junior and Senior Schools "Systematised object-lessons, embracing in the six school years a course of elementary instruction in physical science, and serving as an introduction to the science examinations which are conducted by the Science and Art Department." In regard to the humbler kind of "Object-lessons," may I take the opportunity to mention the simple and homely but very useful kind of object lessons which are the very first taught in the Swiss schools. They go under the name of *Denk und Sprech-übungen, Think and Speak Exercises;* and they consist in learning and correctly naming the most familiar objects in the school room, about the children's persons, in the street, in the neighbourhood, including the school with its furniture, articles of dress, domestic utensils, animals, buildings, gardens, fields, flowers, carriages, &c., with their respective properties, uses, characters, form, and colour; then extending the lessons to the names of the surrounding villages, towns, rivers, lakes, woods, mountains, valleys, churches, public buildings, manufactories and workshops; and thus proceeding till it is found that the children have made an easy beginning in many kinds of knowledge which afterwards they learn as sciences, under the heads of geography, zoology, botany, the uses of wood, stone, and metals, &c. By these exercises two ends are answered,—first, the scholars learn the names and uses of the things which surround them, far more perfectly than they would pick them up in daily life and vulgar talk; and next, they learn to name and describe the objects accurately, and thus obtain the important faculty of expression, which is too little cultivated amongst us. Further, I may observe that these exercises will often develop faculties which might remain wholly unknown if the children were confined to the dry and difficult tasks of reading, writing, and arithmetic; and that the faculties thus developed give encouragement both to children and teachers, and help in the acquisition of the harder and technical elements of knowledge.

The higher object-lessons of the London Board will correspond to the elementary instruction in art and science given in what is called the *real* or practical department of the Swiss and German schools. No one can doubt the feasibility of our giving such instruction, who knows what is already done in the King's Somborne School, the Birkbeck Schools, and many of our National, British, and private schools. It is not every child who has a talent for every subject; and it would be unwise to press all the children to persevere in studies for which they have clearly a strong distaste or incapacity; but out of the

various branches of science, art, and letters, the discerning schoolmaster will almost certainly discover those in which nature has qualified each scholar to make progress, and they may be those of which parents or teachers had formed no previous conception. Once discovered, the talent may be specially cultivated. Mr. George Müller, the benevolent and able founder of the great Ashley Down Orphanages, Bristol, maintains that nature has formed every child for some distinct pursuit—to be a mechanic, a chemist, an artist, a shoemaker, a printer, and so forth; and he delays the choice of occupations till the boys are nearly ready to be put apprentice. In elementary schools there must be a foundation of general knowledge; and nearly all children are found to be capable of learning all the branches usually considered indispensable, if they begin early and are well taught. The Germans have a saying that every child who can speak may be taught to sing, and every child who can write may be taught to draw. The object of school, then, should be to teach the indispensable subjects to all, and to make a wise adaptation of the other subjects to the special talents of the scholars. But there is no reason why in future our first men of science, our first engineers, architects, artists, and manufacturers, should not have their peculiar gifts discovered, and the foundations of their technical training laid, even before they quit the elementary school.

It is gratifying to know that a very rapid increase has taken place in the study of science and art, chiefly in the elementary schools and among the industrial classes, under the superintendence and aid of the Science and Art Department at South Kensington. The first year in which aid was given to popular Science Classes was 1860, when the number of classes assisted was only 9; in 1865 the number of classes had increased to 120, and in the present year to 943. In 1860 the number of students was only 500; in 1865, it was 5479; and in 1871 it had risen to 38,015. The number of Schools of Art and students in art has also increased very greatly. At present the number of Schools of Art is 117, with 20,293 students; but instruction in design is also given by certificated teachers in 1359 elementary schools, containing 147,243 students: and the whole number of students taught drawing through the agency of the Department was last year 187,916. In 1855, the number of students thus taught drawing was only 29,498—showing an increase of more than six-fold in fifteen years.

Still, abundant evidence has been laid before the public, especially since the great Paris Exhibition of 1867, to

show the higher and far more general training in technical knowledge of the artisans of Germany and Switzerland. A letter from Dr. Lyon Playfair to Lord Taunton, Chairman of the Schools' Inquiry Commission, first sounded the alarm of advances on the part of our continental competitors much exceeding the advances in similar branches of industry at home. The letters of the Jurors at the Exhibition confirmed the facts, and ascribed them to the superior scientific and artistic training of our rivals. We had then the report of Mr. Samuelson, M.P., himself an able engineer, of his observations in a tour on the Continent to inquire into the subject; and this was followed, on the motion of the same gentleman, by the appointment of a Select Committee of the House of Commons to inquire into the means of technical instruction in England and abroad. Everything combined to show that our institutions for this great end were insufficient in number and very inferior in organisation. A Royal Commission on Scientific Instruction was issued in 1870, to consider the wants of the country under this head, the existing institutions for supplying them, the better organisation of those institutions, and the duty of the Government with regard to this matter of national interest. We may look with much hope to the results of this Commission, as it is composed of men possessing the highest qualifications for the duty, with the Duke of Devonshire as the Chairman, and (I believe) Sir James Kay Shuttleworth as the Vice-Chairman.

I shall be expected to notice the part which has been taken from the year 1824 to the present time by the Mechanics' Institutions, in supplementing the defective education of the artisan and lower middle classes, and introducing them to the study of practical science and art. The first of those institutions was established by Dr. Birkbeck, when Professor in the Andersonian Institution of the Glasgow University, early in the present century. But it had few imitators for many years; and the first Mechanics' Institution in England was established in London by Dr. Birkbeck (who had then removed to the metropolis), with the aid of Henry Brougham, and others, in the year 1824; in which year I had the pleasure of hearing the Doctor give a scientific lecture, illustrated by experiments, in the old chapel of Falcon Square, to exactly the same kind of working-class audience, and listening with the same fixed interest, as I this year heard Professor Huxley lecture to in the Royal School of Mines, Jermyn Street. It chastises the sanguine hopes we often form to remember that when I saw hundreds of the working classes hanging on the clear, attractive

expositions of practical science by Dr. Birkbeck, I believed that all our workshops might in a few years be filled with men delighted to understand the principles of their respective occupations and to help in carrying them to the highest perfection. But, like many experimenters, I forgot to allow for the *friction*—I cannot help adding, I forgot to allow for the *drink*, which has blighted the blossom of every returning spring. Still something, nay, much, has been done by the Mechanics' Institutions, which in the manufacturing districts have met with munificent encouragement from many of our enlightened manufacturers and professional men, and not less from noblemen and country gentlemen. The example of London was very soon followed by all our principal towns. We have in Yorkshire a Union of Mechanics' Institutes, formed thirty-four years since for mutual encouragement and help; and though it includes only a portion of the institutions of a similar kind which have arisen for the same objects, you will think its strength not contemptible, when I state that at our last annual meeting at Keighley we were able to report in the Union 114 Institutes, with an aggregate of 27,650 members, having in their libraries more than 100,000 volumes, with about 300,000 issues yearly. If we remember that the average stay of the members in the institutions probably does not (at a guess) exceed three or four years, it will be seen that 27,650 members may be multiplied several times in estimating the impression produced by the institutions on the intelligence and industry of one generation of men. I am happy to say that our neighbours of Lancashire and Cheshire run us a good race of competition, and in some respects excel us; especially in the admirably-organised classes of the institutions of East Lancashire, to which Sir James K. Shuttleworth and his son have devoted their constructive and executive powers. Perhaps there is no Mechanics' Institution which has not done something to increase the knowledge, form the reading habits, and guard the morals of a considerable number of its members. In many towns and villages, these and institutions of a similar kind furnish the only libraries, reading-rooms, news rooms, classes, and lectures for the working class, indeed for any class. The Leeds Mechanics' Institution has in its day and evening schools 1212 pupils, besides 2648 members and subscribers—making a total of 3860 persons deriving benefit from its schools, lectures, library, and reading-room. In the examinations of the Science Department its students obtained last year forty-one certificates, fifteen Queen's prizes, ninety-seven certificates, one silver medal, and one bronze medal. You will not be surprised when I add that this is the institution,

which lends us its beautiful hall for our meetings, and which its friends erected at a cost of 25,000*l.*, But this is only one of a considerable number of flourishing institutions in Leeds, teaching arts, science, and letters to an aggregate of some thousands of young persons.

I must add that in Leeds as its head-quarters is also the Yorkshire Board of Education, which especially aids in conducting all the Examinations under the Department of Science and Art, the Society of Arts, the Oxford and Cambridge Middle Class Examinations, and elementary examinations; which has taken a most prominent part, in conjunction with the Yorkshire Union of Mechanics' Institutes, in establishing Science Classes; and which, under its President, Lord Frederick Cavendish, and its Secretary, Mr. H. H. Sales, is now labouring to confer upon Yorkshire the great boon of a College of Science. In Leeds, too, the ladies have put forth great efforts on behalf of Female Education, by engaging eminent lecturers from the Universities to lecture to ladies on historical and constitutional subjects, and the principal branches of Natural Philosophy; and by promoting attention to Female Education, and the claims of the sex on a share of our educational endowments, throughout the country. Ladies form very active managers of the Yorkshire Education Depository, now open at No. 11, St. Andrew's Chambers, Leeds, and of a valuable Students' Library; both of which, I believe, are original and unique institutions.

The facts I have adduced prove that a valuable amount of educational agency has been gradually created by the enlightened liberality of our countrymen—valuable and constantly extending, yet not enough. It has always been mentioned as a chief hindrance to the higher success of these Institutions, that most of the young persons who enter them have received too defective an education to profit by scientific teaching; and I heartily rejoice to find that at Bradford so recently the Bishop of Exeter, Sir John S. Pakington, and Mr. Forster have all declared their belief that the better and more general elementary education to which we may now look forward will not supersede these Institutions, but, on the contrary, will supply them with a larger number of students, and better qualified to profit by their instructions. It will gratify many a hearty Voluntary to see them still flourishing on their old roots, whilst gratefully accepting the aid of official examiners, and of grants which the whole country is eager to make for a great national object.

I must not close without referring to the importance of filling our schools with the best school furniture and school

apparatus. In a late speech in the House of Commons Mr. Mundella mentioned the very superior furniture which he saw last year in the schools of the United States; and he also referred to the beautiful model of a Swedish elementary school set up in the International Exhibition which has just closed in London, and in which seats and desks on the same principle were shown. I hope all my hearers may have seen that model. It was my good fortune to meet in the Exhibition Prince Oscar of Sweden, heir presumptive of the Crown, and the able and enlightened promoter of education, industry, art, and all that can adorn his country; and being introduced as a friend of education, he took me to see the Model School, and explained it as fully as a schoolmaster could have done. He especially commended the seats and desks, the former of which have comfortable backs, and are made to rise and fall, and to move nearer or further from the desk, in order to suit children of different sizes. In his opinion it is a great advantage to have seats in which the children are comfortably supported, as many children become fatigued, and may even contract curvature of the spine, from sitting the whole day on seats without backs; and the mind can scarcely retain its vigour if the body is suffering. He also thought it a great advantage that there should be a space betwixt the seats, so as to prevent the children from copying from one another, and the mischievous from playing and interrupting the studious. Nothing can exceed the adaptation of the seats and desks to their purpose. The Prince with no small pride showed the copy-books, in which the character was beautifully clear and neat, the writing accurate, and not only in Swedish, but in Latin, German, French, and English, all of which languages are taught in the schools. He showed me a large skeleton map of Sweden, on a black board, and with the names of the places printed on little moveable blocks, and arranged at the sides,— it being the duty of the scholar to pick them out, and to fix them on brass pins inserted at the several localities. The plan is good, but perhaps not better than the skeleton maps of our English schools, in which the learner indicates the places with a pointer, or names them when pointed to by the teacher. There were black boards marked for musical notation, instruments for teaching perspective and arithmetic, and numerous diagrams, coloured and plain, for astronomy and the mechanical sciences, for the art of design, for botany, zoology, and other branches of natural history; with maps in abundance; all beautifully executed. The appearance of the whole was highly attractive; and the child must have a dull eye who would not find there material for interest and

enjoyment. Then the school books were of remarkable number and excellence, beginning with the Bible, hymn-book, and Luther's catechism, and followed by numerous histories, systems of arithmetic, geometry, mathematics, geography, physical science and natural history, bookkeeping, drawing, penmanship, music, gymnastics, gardening, and pedagogics, with Latin, Greek, and modern languages. Nor must I forget the apparatus for gymnastics and drill, which also abound in the Swiss and German schools. I never saw so rich and varied an amount of educational appliances of every kind. I found the Prince a most interesting instructor, and could not sufficiently admire his perfect courtesy, or the goodness which placed his companions at their ease and on a level with himself. If I do not mistake, he will prove a benevolent and enlightened ruler.

On this head I only add that South Kensington made a large and admirable display of school apparatus at the Exhibition, and that we scarcely fall short of any country in this respect. But I fear not one school master or manager in fifty throughout the country is acquainted with these beautiful articles, or is authorised to purchase them: though they are not costly, and they would immensely facilitate the practical work of education both to the teacher and the children. Every school board should pay a visit to the South Kensington Museum, and ask to be shown the school apparatus.

Many other topics invite remark, especially girls' schools—direct or indirect compulsion—the great value of drill and gymnastic exercises—the extent to which it is desirable to employ female teachers—the half-time system—the teaching of the Metric system, which would save more than half the time devoted to the learning of arithmetic (and which I should like to compel every member of the House of Commons to attend)—the operations of the Endowed Schools Commissioners in reforming and systematising our secondary schools—and other points noticed in the reports of the School Inspectors. But I hope all these topics will be treated in the Sections.

I have now only to offer an apology for the length of this address, which was the less excusable after the full and able treatment of the education topic in the opening address of my right honourable friend, our distinguished President, who has for so many years been the earnest advocate of national education, and with a remarkable superiority to the prejudices of party and all local influences. To men like Sir John Pakington the present position of the question is greatly owing; and I am proud to see him presiding over the Social Science Association in my native town.

Address

BY

GEORGE GODWIN, F.R.S.,

ON

PUBLIC HEALTH.

IT is tolerably well known that one department of the Social Science Association devotes itself to the consideration of questions relating to Public Health, discusses improvements in house-construction, drainage, and ventilation; means of recreation and amusement; the influence of external circumstances generally on health, and the legislative machinery necessary to effect desired ends in that direction. Called to the position of President of this department, it becomes my duty to address the Association; and I assure you I approach that duty with a full sense of the responsibility attaching to the position, and a vivid recollection of the admirable manner in which its obligations have been discharged by the able men who have preceded me; including, to speak only of recent times, Mr. Edwin Chadwick, Dr. Farr, Dr. Rumsey, Dr. Lankester, the late Dr. Symonds, of Bristol, and Mr. Robert Rawlinson. Their labours, I do not hesitate to say, have materially assisted in bringing about an improved state of public opinion, and obtaining important enactments.

The proceedings of the Association on some previous occasions have been treated as futile in journals of influence. It ought to be unnecessary now to combat on such ground. The earnest discussion of the wrongs, miseries, evils, and wants that afflict society, by men and women who have given lives of thought to the various subjects involved, cannot fail, and has not failed, to lead to good. It takes a long time to make the world listen, but it hears at last if the effort be not relaxed. If we look back over the fifteen years during which the Association has laboured, and note what has been done during that time in this special department alone, that of Health, we shall feel satisfied that its labours have not been

in vain, and, however depressed we may be by the slowness of progress, and the enormous amount of work yet to be done, find our views and hopes for the future cleared and strengthened.

The great object of our meetings and discussions is, by the production of facts and the collision of reasonings, to take a series of the most important subjects affecting the welfare and happiness not of this town alone, not of England, but of the whole human race, out of the domain of Opinion into that of Knowledge. Opinion means ignorance more or less. I may be "of opinion" it will rain to-day, but I "know" two and two make four. Gradually, but surely, this progress from opinion to knowledge has been going on in Sanitary matters. Not many years ago there were numbers of educated and influential people who were of opinion that there was no connexion whatever between bad sanitary arrangements and ill-health. At the present time we may, perhaps, go so far as to say that all admit, more or less fully, that this connexion does exist. A whole host of questions, however, remain, correctly or incorrectly, matters of opinion, and it is with a view to their speedy removal from debatable ground, so that effective action may be at once taken, that this Association holds its meetings, and publishes the results of its deliberations. Thus: we have ceased to discuss as to the necessity of promptly getting rid of the sewage of towns, but the best mode of disposing of it is still with some a matter of opinion. This part of the inquiry, however, is gradually narrowing, and it may be hoped that the proceedings at this Congress will tend to bring about the right conclusion. In common with a large majority of those who have investigated the subject, I feel perfectly assured myself that the irrigation of land is the right use, except in some special cases, to which to apply it. Evidence that it may be thus applied with pecuniary advantage, and without injury to the health of the neighbourhood, is accumulating day by day. The Reports of the Sewage of Towns Commissioners, the Rivers' Pollution Commissioners, and the Committee appointed by the British Association, all strengthen this view: and, amongst other indications, at a recent meeting of Members of the Essex Chamber of Agriculture, it was resolved, after inspecting the sewage farm at Romford—

"That in view of the large amount of foreign wheat paid for every year by the population of this country, and the large amount of manure wasted in polluting rivers with town sewage, it is desirable that such pollution should now be prohibited by legislative enactment, and that the forty-five sanitary Acts in existence should repealed, and a general and comprehensive law enacted."

It has been calculated by more than one competent authority that the amount we shall have to pay for foreign wheat this year will be above 30 millions sterling, a circumstance worth this passing allusion as showing the largeness of the interest involved in our inquiries.

Events are tending, it may be hoped, towards the desired unification of existing Acts referred to in the resolution quoted. The new Local Government Board, of which the Right Hon. James Stansfeld, M.P., is president, has taken the place of the Poor Law Board, with wider powers specially embracing the Statutes having reference to the sanitary arrangements of parishes, such as those relating to sewers, nuisances, labour in workshops and factories, baths and wash-houses, common lodging-houses, adulteration of food, and smoke nuisances. The supervision of these matters will be transferred from the Local Government Act Office and the medical department of the Privy Council to the new Board, and thus the government of matters relating to each other, and hitherto performed by three separate departments, will be united in one body.

A new Public Health and Local Government Bill is in the hands of Sir Charles Adderley, and when modified and added to will probably become law. This proposes to repeal twenty Acts of Parliament, from the Public Health Act, 1848, to the Sanitary Act Amendment Act, 1870, the new Act codifying these repealed Acts, for England and Wales (*exclusive of the metropolis*). The several officers and clerks are placed under the authority of the new president, and will have to be amenable to him. Next Session of Parliament ought to determine the mode of preventing river pollution, and the metropolitan water supply; but this latter may probably be deferred until the local government of the metropolis is settled. It is to be hoped that by the new Act that is to come the Medical Officer of Health will be made independent of local boards and of private practice, so that no fear of damaging or offending his patients and his masters may tend to prevent the proper and complete discharge of his duty at all times. It has been pointed out more than once, and may be usefully reiterated, that unless the Medical Officer of Health be precluded from private practice he cannot hope to secure the co-operation of members of the same profession, to whom he must look for information of outbreaks of disease, and who would seldom be disposed to introduce another medical practitioner to their patients with the fear of his rivalry before them. The Act should also enforce in every district the appointment of a public analyst who might do much towards the prevention of the adulteration of food, the

cause of a large amount of ill-health and loss. Lead-poisoned water is another producer of illness, which such an officer would be able to detect.

I must add, with reference to the contemplated new Act, that a Report has just now been issued by a Joint Committee of the British Medical Association and the Social Science Association on the Report of the Royal Sanitary Commission. This Joint Committee was presided over by our eminent associate, Dr. Rumsey, and its report includes various suggestions and observations that call for the serious consideration of those who are engaged in the preparation of the Public Health Bill.

The Metropolis Water Act passed at the close of the last Session of Parliament has good intentions, but how far these will be carried out remains to be seen. After the expiration of six months from the passing of the Act, the local metropolitan authority shall, whenever they are of opinion that there should, in any district, be a constant supply, make application to the water company requiring compliance with the terms of the Act. There is a right of appeal to the Board of Trade upon the application being made to a company requiring them to furnish a constant supply. The Board of Trade may order a constant supply to be given if after inquiry the metropolitan authorities refuse to act, or unreasonably delay acting, or if, by reason of the insufficiency of the existing supply of water in such district, or the unwholesomeness of such water in consequence of its being improperly stored, the health of the inhabitants is or is likely to be prejudicially affected. Before a company is compelled to carry out the Act, however, various regulations have to be observed, and the companies seem to have the power, if so minded, to delay the desired boon by objections which will have to be removed. Let us hope that the duty imposed on them will be loyally discharged. Of the desirability of a constant supply I have not the remotest doubt. Some difficulties will probably be met with in the first instance, but these may be speedily overcome. One provision of the Act must be hailed with unmixed satisfaction: the requirement by clause 6, that every company shall immediately supply on *Sundays*, as on other days, sufficient pure and wholesome water for the domestic use of the inhabitants within their limits. The amount of discomfort endured, and of evil produced through the non-supply of water on Sundays, in the courts and slums of London and elsewhere could scarcely be exaggerated. I have in my time visited some thousands of houses, the inhabitants of which were uniformly without a drop of water between Saturday and Monday.

The story of their misery had to be told for years, with both pen and pencil, before the remedy came. The present Act after all can only be regarded as provisional. The great question, how best to secure an ample supply of soft, pure water to London, will have to be looked fairly in the face before long and grappled with, let the cost of carrying out the decision be what it may. It is simply a question of time, and the shorter the time the better it will be for the health, the comfort, and, in the long run, the pockets of the inhabitants.

The importance of the subject we are considering—the public health—is so great, it lies so entirely at the root of all national progress, that it is impossible to speak too strongly upon it. At the present moment, moreover, it is invested with unusually pressing interest. After a terrible visitation which has desolated homes throughout the country, a visitation which, all evidence shows, was the result of ignorance, carelessness, and wilful avoidance of a known means of prevention, or, at any rate, of amelioration, we note at no great distance from our shores the presence of a much dreaded disease, and I should be neglecting a duty if I allowed this opportunity to pass without inviting all who have power to aid in making such preparations as experience shows are calculated, under Providence, to mitigate its severity should it reach us. Should we happily escape its visit we shall still derive advantage from the steps taken. When there is no immediate prospect of danger the cost of precautions is begrudged. A large class of persons would sooner run the *chance* of death than incur the *certainty* of having to pay a pound. We are all of us gamblers, more or less, and like to take our chance.

The most vigorous and intelligent action is required on the part of our health authorities, and their hands should be strengthened by public expressions and outside aid. I am anxious not to be thought an alarmist. There is no occasion whatever for alarm, it is, indeed, to be strongly deprecated. But it would be suicidal to think, ostrich like, that if we shut our eyes no one will see us, that if we say nothing about a possible danger ourselves nothing will be heard of it. The way to defeat it is to meet it well prepared. "It is now known" (says the Registrar-General, in a recent report),* "that where a place is clean, where the waters are pure, where the people are not crowded, where good administrative arrangements are made for the early treatment of attacks in

* August 1871.

the first stage of diarrhœa, the epidemic is disarmed of nearly all its terrors. But as English towns are still dirty, are dotted over with cesspools or fouled by bad drains, and the waters alike of wells and of rivers, from which towns draw their supplies, are soiled to some extent by sewage, we can at present expect no absolute immunity. Commissions and committees have left our water supply much as it was; the hard waters of the rivers are not purified by Clark's process, nor are the pure, unpolluted streams brought incontaminate down to the cities in the plains. Still, much may be done, if cholera pursue its customary course, by commencing at once all useful works of purification, so as to mitigate its virulence." And this is what all, in their several spheres, should aid in doing.

The Medical Officer of the Privy Council, Mr. Simon, in his instructions on the subject, recently issued, wide attention to which would prove of great value, has dwelt so strongly on the part played by polluted water in propagating the disease as to have led to the expression of fear by an esteemed member of the Association, that the public may be induced in attending to this to neglect other important inquiries. Mr. Simon says—

"The dangers which have to be guarded against as favouring the spread of cholera-contagium are particularly two. First, and above all, there is the danger of water supplies which are in any (even the slightest) degree tainted by house-refuse or other like kinds of filth; as where there is outflow, leakage, or filtration, from sewers, house-drains, cesspools, foul ditches, or the like, into streams, springs, wells, or reservoirs from which the supply of water is drawn, or into the soil in which the wells are situate; a danger which may exist on a small scale (but, perhaps, often repeated in the same district) at the pump or dip-well of a private house, or on a large and even vast scale in the source of supply of public water-works. And secondly, there is the danger of breathing air which is foul with effluvia from the same sorts of impurity."

Without here discussing whether the objection taken to the medical officer's expressions be sound or not, the evils resulting from the use of water containing ordinary fœcal impurities are well known. Outbreaks of typhoid fever have been traced again and again to this cause. In many cottages in low lying land, by the side of streamlets which receive the overflow of house-drainage and other refuse, it is never absent, and cripples the working power of the country to a much greater extent than might be supposed. The serious outbreak of typhoid fever at Terling, in Essex, where, between December

4th, 1867, and January 13th, 1868, 208 persons, out of a population of 900, were attacked, was shown to be connected with the pollution, by sewage, of wells from which the drinking water was obtained;* and many other similar cases might be adduced, some of which were made public by myself at a time when the evil was scarcely recognised. A Norwich rector has quite recently shown how within eight days, last August, the father of a family, a labouring man, and four of his children died and were buried, the cause being, as the writer believes, "filth percolating into the well water." The rector adds:—"I can point to four parsonage houses around me here where deaths have occurred entirely from this same cause." I have no hesitation in saying with him that the same evil exists in thousands of houses where nothing of the kind is suspected until some severe illness breaks out and carries off its victims—sometimes not even then. The Medical Officer of Health for Islington, in his last Report, gives the particulars of a local outbreak of fever, which serve to show how small a quantity of water so polluted will do mischief. He traced the cause of the outbreak, with much care, to sewage which leaked into an underground tank, whence milk from a dairy was adulterated with water. The dairymaster aided the officer of health by giving him a list of his customers, and it was found not only that the fever was restricted to houses supplied by this dairy, but to individuals in these houses who used that milk, while others who used a richer milk from the same dairy, not diluted with water from the tank in question, were not attacked by the typhoid fever.

London must not comfort itself with the notion, founded on the amount of the recent expenditure on the main drainage, that all its cesspools have vanished, and that its sewers are now good and in a proper state. Many of them are in a dreadful condition, and thousands of old cesspools yet remain. As a rule, wells sunk into town subsoils furnish contaminated water, and should be avoided.

The fine town in which the Association is now assembled suffers greatly from the existence of middens and other dangerous accumulators of refuse. I have on more occasions than one examined Leeds, and have noted these with sorrow in scores of cases. The condition of the river Aire is very unsatisfactory, nor is this to be wondered at by those who know the amount of filth daily thrown into it. Its foul condition is a heavy tax on the cloth makers, dyers, and other manufacturers of the town. What is the amount of the tax it lays

* *The Builder*, vol. xxvi. p. 105.

on the health and strength, perhaps life, of the place, I will not here inquire. It is understood that the question how best to utilize the sewage of Leeds has long been under discussion by the Corporation. Let me express an earnest hope that a wise determination will soon be arrived at and acted on, and that the abolition of deadly cesspools and middens will be effected.

A lesser evil here, but one that nevertheless touches the health and pocket, is very distressingly observable to strangers. I mean the enormous amount of unconsumed smoke allowed to escape into the air, and disfigure and damage the town. The appearance of many of the fine buildings, which would otherwise adorn the streets, is miserably changed by it, and the effect produced by the general gloom resulting upon the spirits, and consequently the health of the inhabitants, must be considerable. It is a misfortune, I am satisfied, and not an advantage, that the recent Local Act for the borough contains an exemption as to the consumption of smoke in favour of certain trades carried on here. The Royal Sanitary Commission, in their Second Report, when deprecating this exemption, speak of the manifest injustice thus done to similar works in the adjoining districts, competing in the same market as Leeds, under the more rigorous enactments of the public general Statutes. The evil wrought by it in the town will be a stronger argument here, and ought to ensure its early abrogation.

Very large sums have been spent in Leeds on sanitary works, to the great credit of the town, but so much yet remains to be done that the death-rate is painfully high. The use of cellar dwellings, of back-to-back houses, and the incompleteness of the sewerage already alluded to are amongst the most prominent evils calling for remedy.

The death-rate in the Midsummer quarter this year was 23·2 in the 1000, very much higher than it should have been, and yet we are forced to recollect that in parts of the town the rate was probably double that amount, which means that thousands of persons died simply because they were placed under more disorderly circumstances than their neighbours; and this goes on year after year, surely a frightful reflection. It is well to remember that lessening the death-rate in Leeds, say, only 2 per thousand, means saving 520 lives annually.

Disappointment is sometimes felt that after considerable expenditure in a district the death-rate is not reduced to the extent expected. Careful inquiry would generally serve to show that the improvement made has been only partial. If the water supply has been attended to the drainage has been neglected, or if deficiencies in this respect have been remedied,

the sewers are unventilated, or overcrowding, a deadly evil, has been permitted to an extent that counterbalanced the good effects otherwise produced. We may rest assured, however, that every improvement of this kind made does affect health, morality, happiness, and life, and so be encouraged to fight vigorously in aid of them. The story from Calcutta that, in consequence of the effect produced upon the health of the town, by recent improvements in drainage and water supply, the undertakers were applying for compensation for loss of business, if not true, serves to show, what, in public opinion, the result of the works has been.

Many of the subjects relating to public health and social progress still offer problems for solution of extreme difficulty, and much good remains undone for want of its being known how best to do it. In confirmation of this, and for other reasons, I am tempted to mention that I have for some time been authorised by an inhabitant of London to state that he is willing and ready to appropriate to the improvement of the health and condition of the poorer classes of the metropolis a sum equal to that given by the late George Peabody for a similar purpose—or say half a million of money—when he can see a mode of satisfactorily effecting this without the fear of pauperising the classes he seeks to benefit. Means were taken to make this offer known to a limited extent, and a large number of suggestions have been sent to the proposer, but he is not yet satisfied as to the course that can wisely be taken. We must congratulate the individual on holding in his hand the power to achieve a glorious end, and I would add a hope that he may speedily come to a wise determination. A noble example of what may be done by an employer to improve the condition of those engaged for him, is to be found in this district—I mean, of course, Saltair, where intelligence and far-sighted benevolence have provided healthful homes, education for the children, innocent enjoyments, and means of culture. The time is coming when the history of the results of that establishment, in a sanitary and social point of view, should be written with a view to the guidance of others.

We lose, on moderate computation, a hundred thousand lives annually by preventible diseases, and millions of money in consequence of these deaths, and of premature disability in cases where death does not ensue. A million paupers receive relief weekly in England and Wales. With complete study of the laws of health, preventive medicine, and improved sanitary arrangements throughout the kingdom, the number of this melancholy army would soon be materially lessened. I

have spoken of disability where death does not ensue. With reference to this let me say, we want registration of it. The registration of deaths which is now enforced is of the greatest value, but we need beyond that the registration of sickness, which would show the magnitude, not only of the grief and poverty to individuals caused by disease, but of the money-loss to the public. The desirability of this is fully recognised by the Royal Sanitary Commission, so that we may hope for legislation to enforce it before long.

The connection between bad sanitary arrangements and ill-health is now largely admitted, as I have said, but not fully, or we should surely not find, in unnumbered places, accumulations of filth, vitiating the air, large populations drinking polluted water, and debilitated by unhealthy dwellings, and preventible diseases annually carrying off their thousands, pauperising the families left behind, and injuring the whole community from the highest to the lowest. What is wanted is, after all, simple. We want clean air, clean water, clean food—*purity*, in fact. As we strive for purity in life, moral purity, so let us strive to obtain for society the advantages of physical purity. "Unto the pure all things are pure," says St. Paul (Titus i. 15), which may be true in conduct, but at present the belief may not be safely acted on with reference to the air we breathe, the water we drink, or the food we eat. Moreover, how is it possible for moral purity to be retained in such dens as those in which multitudes of our fellow-creatures pass their lives? The assertion, as the home so the people, denounced as almost impious when first written, has come to be pretty generally accepted; but the homes in thousands of cases remain in the most wretched condition, and the natural results continue to follow.

The injury done to our agricultural population by the want of proper dwellings can scarcely be overstated; in fact, the whole condition of this part of the people is a disgrace to the age. I must restrict myself, however, to the question of health. I have visited hundreds of cottages with rooms scarcely the height of a man, damp, cold, undrained, and over-crowded, with heaps of decomposing matter around, and where, in short, everything was being done to counterbalance the advantage offered by nature of a plentiful supply of pure air. In parts of the country, where Portland cement and gravel, broken stone, or burnt clay are readily obtainable, a considerable saving in the cost of building may be effected by the use of concrete walls. It is absolutely necessary, however, that the concrete should be properly made and rightly applied; when this is the case it is an excellent and enduring material; if

otherwise, it is worthless rubbish. It may be mentioned, as it will give confidence to those disposed to employ it, that the Metropolitan Board of Works now allow the use of it within their boundaries, and that the Inclosure and Tithe Commissioners permit money lent by them for the improvement of estates, to be expended in the erection of concrete buildings. In both cases, however, the work is required to be done under stringent regulations. It is to be regretted that the number of builders who have applied themselves to the economic execution of such work is very small.

By lessening the cost of erecting cottages something is done towards inducing a proper provision of them. With good plans, wise superintendence, and the choice of proper materials, much may be done in this direction. Non-absorbent walls and floors are amongst the *desiderata*, and above all things such arrangements for the removal of the refuse that it shall not by any possibility contaminate the water supply.

Sound and healthful dwellings are required in towns for a lower class than have been yet thought of,—the multitude who are unable to pay more than, say, a shilling a week as rent. There is a large number of these who require only one room, a man and his wife without children, single men and women, and widows. There seems no valid reason why a part of the Peabody fund should not be applied to meet this want, and it is to be hoped the trustees will turn their attention to the subject at once.

The desire to produce cheap houses by speculators has necessarily this bad result, that the efforts of the builder are all directed simply to that end, to discovering the means of erecting a dwelling at the least possible cost, not in providing to the utmost extent for the health and the comfort of the occupant. If the wages of a labourer are not sufficient to enable him, by the exercise of due prudence, to pay for a decent habitation, warm, dry, airy, and well-drained, calculated therefore not to destroy his health and working power, and to send him to a premature grave, and his widow and children to the union to be maintained at the expense of the ratepayers, it is time they were made so. It is found to be wise and paying policy to provide horses with good stables, and pigs with healthful stys. Surely it ought to be thought necessary to do as much for the men who drive and feed them. Among minor evils, ill-ordered dust-bins should be mentioned as the fruitful source of sickness; decomposing matter, under present arrangements, being allowed to remain in them for weeks, sometimes months, to pollute the air. Better super-

vision is needed. If the occupants of houses were to see that all consumable matter was burnt, the danger would be lessened, and the quantity would be so much reduced that arrangements might be made for its removal day by day.

A vast deal of ill-health, to say nothing worse, results from the too early occupation of newly-built houses. In the suburban districts of London, and of many of our large towns, small houses by the thousand are planted on the ground, often on heaps of unwholesome deposits placed there to fill up hollows whence brick-earth or sand may have been removed, are finished with pauseless rapidity, and, all reeking as they are, receive a family, often before the workmen have left. The danger involved was recognised long ago. An ancient foreign proverb says, as to a new house, "The first year for my enemy, the second for my friend, the third for myself." The speculative builder of to-day too often cares for neither friend nor enemy; the houses, like certain historic razors, are made to sell; to turn a penny is his sole object, and the buyer must look out for himself. Alas! for such a state of feeling; it unfortunately prevails in modern society to a much greater extent than is consistent with the right condition of public Health, giving that word its full meaning.

Among the arrangements for furthering the object we have in view, facilities for recreation and amusement must not be forgotten. Amusement must be had, will be had, and if that which is rational and innocuous is not obtainable, less wholesome excitements will be resorted to. The provision of open and adorned places, picture galleries, social gatherings, flower shows, the practice of window gardening, facilities for obtaining books, for the enjoyment and the study of music, "penny readings," cricket, swimming, archery, drill, are all matters calling for the fostering aid of those who desire to see a good state of health prevailing, and would contribute their share in rendering the world happy, and leading to a higher type of manhood. Popular meetings for recreation have a further value as serving to bring classes together, counteracting the tendency to severance now in operation, and which has aided to produce the great danger that threatens society at this moment.

It is the opinion of some who have inquired, that we are deteriorating physically as a people; that the number of men, for example, rejected on physical grounds from amongst those who offer themselves as soldiers or policemen, is greater proportionately than it was a dozen years ago. I am not disposed to accept this belief in our deterioration without reservation. It may be, and, indeed, unquestionably is, true, in the case of

thousands of our fellow-creatures pent up in close courts, garrets, and cellars, without pure air and water, or knowledge which would lead to an improvement in their condition, and of the thousands born of this class who go to fill prematurely the hospital and the graveyard. But there are other portions of the population of whom a different story may, it is hoped, be told. Still, the destruction of health and life by preventible causes is enormous, and we are again made to feel, by the belief alluded to, the vital necessity of continuous efforts to bring about a better state of things.

Every one may assist in his particular sphere in disseminating knowledge of the kind required, and building up a proper state of public opinion. By the exercise of this alone may we hope to obtain satisfactory laws, and to see those laws properly acted on. The want of education in what affects the human frame—the operation of the agents by which it is influenced—is unfortunately almost universal; if it were not so, laws to enforce sanitary requirements would be much less necessary than they are. Sanitary science should be taught to all from the earliest years in schools of every grade. Until this is more generally done, we shall go on, as now, destroying one another, and blind to the fact, obvious to a Latin poet 1800 years ago, that, "Life is not to live, but to be well." This great question of health calls for the primary and unremitting attention of statesmen and legislators; it is far above party considerations, far superior in importance to the great majority of subjects which monopolise attention. Without education and health no nation can advance and be happy, and to bring about those conditions should be the chief object of all government.

Address

BY

WILLIAM NEWMARCH, F.R.S.,

ON

ECONOMY AND TRADE.

TWO conditions have, within a recent period, manifested themselves in the treatment of Political Economy in this country, in the United States, and in Germany, the effects of which cannot fail to be of the highest importance and consequence. I allude, in the First place, to the marked manner in which Political Economy has, of late, followed the path of all other departments of knowledge, by leaving behind, as far as possible, its former, *à priori*, abstract, and deductive character, and become, like every other subject of intellectual pursuit in our time, a science of observation, experience, fact, and induction; and, in the Second place, to the efforts at length aroused to render the elementary doctrines relating to capital, labour, and wages, part of the common school-teaching of all classes.

The "Wealth of Nations" is not a deductive treatise. On the contrary, it holds its place in public estimation, precisely because, as the result of the patient labour of the ten years spent upon it, in the retirement of Kirkaldy, it combines, so completely and happily, a philosophical insight, with a knowledge of practical life, and the application of appropriate facts. But Deductive reasoning, from plausible premises, is so much easier for both writers and readers than laborious, dry, and patient collection of details, that there must ever be, in all branches of knowledge, a powerful tendency towards mere *à priori* and abstract speculation; and, as almost a necessary consequence, a disposition to be presumptuous and dogmatic. Now, all the great errors of the human mind have arisen, and will arise, almost entirely in the premises or conditions to which the logical faculty is applied. There have never been better or closer reasoners than the Schoolmen, and, considering

their wonderful acuteness, the surprise is all the greater that they ever adopted for a moment the absurd and grotesque postulates and conditions to be found in their writings. It cannot be denied that, for the greater part of the present century, Political Economy, both in this country and elsewhere, has been followed too much in the metaphysical, deductive, and geometric form. The premises have been sought in the ingenuity and fancy of the writers; and hard fact and patient plodding observation have been left to what was considered the very inferior function of the mere statistician. Truth, however, is not to be conquered by false Methods; and there soon arises a flagrant, if not a dangerous, discrepancy between deductive predictions and real events. It is these discrepancies, these yawning chasms, between the calculated and the true state of the clock—which are the salvation of science, and the opportunities of the race; and latterly, Political Economy has largely gained by such an opportunity. Let us remember, however, that the Inductive or Baconian method has never been without its cultivators, at least in this country. Fifty years ago it was applied by Thomas Tooke, with enduring success, to Prices and Currency. A little later by Richard Jones, to the phenomena of Rent, and thirty years ago by Edwin Chadwick, to the subject of Factory and Infantile Labour, and Sanitary and Poor Law Legislation. It may be said, indeed, with no small truth, that it is to the practical habit of the British Parliament of requiring all new proposals of extensive change to be preceded by exhaustive investigation of the facts of the case—of the pretensions of people who say they will be damaged—and the representations of people who allege that they or others will be benefited—that we owe the gradual establishment, or rather re-establishment of the superiority of the Inductive over the Deductive methods of Political and Social Economy.

And not only has this change taken place as regards present and immediate problems, but it is being carried systematically into historical inquiries. It is well known how much importance Mr. Buckle attached, in his later years, to economic conditions, as an operative force in the large historical generalisations which render his "History of Civilisation" one of the most potent books of the century. No future historian, who aspires to even secondary rank, will be permitted to be ignorant of economic science, or will be excused from interpreting, by the aid of that science, alterations in the status of countries and classes which hitherto have been referred to personal, political, or religious causes. The two volumes by Mr. Rogers, published four years ago by the University of Oxford,

on "Agricultural Prices and Wages in England during the 12th and 13th centuries"—volumes founded upon a most patient and learned investigation of the early account-rolls of Merton and other colleges — constitute a new rendering of the social and economic history of England during the transition-period of which they treat; and enable us to see in detail how far-reaching and potent were wages, prices, and pestilence in modifying from top to bottom the coherence of the English polity, and the power of our sovereign lord the king, under the early Plantagenets. Applied to subjects of the present time, we can refer to achievements of the same method in the complete investigation of Trades Unions, by Sir William Erle's Commission—of Technical Education, by Mr. Samuelson's Committee and Foreign Commissions—of Popular and Endowed Schools by a series of Government Enquiries—of Coal Supply, by Mr. Jevons's remarkable book and the Royal Commission which it provoked—and quite lately by the Reports from our diplomatic agents abroad on wages, prices, and the purchasing power of money in foreign states. Among individual efforts we have had Mr. Dudley Baxter's series of books on National Income, Wealth, Expenditure, and Taxation—Mr. Leone Levi's practical researches in the same direction—Mr. Goschen's most remarkable official paper on the history and present state of local taxation—and carrying forward and completing in many ways Mr. Goschen's researches, the papers by Mr. Palgrave and Mr. Scott, to which were awarded the premium offered by Mr. Tayler through the Statistical Society.

In France, the tendency of late years has been, among the educated classes, to discourage the abstract political economy, which has played so mischievous a part in that country. The admirable series of works by M. de Lavergne, on the rural economy of his own and other countries—the treatise of M. Levasseur on the working classes of France—the earlier and more elaborate book on the same subject, by M. Le Play—and the researches of M. Jules Simon, constitute a body of scientific evidence, which leaves but little to desire. The inquiry instituted by the French Government in 1866 concerning the Bank of France, and the analogous institutions in other countries, continued its labours for four years, and the five quarto volumes which have been amassed testify, at least, to the diligent and not unsuccessful labours of the Commission; or rather to their positively successful labours, inasmuch as they completely exploded, by means of facts and evidence collected all over Europe and America, the socialist doctrines of the MM. Periere regarding a fixed rate of discount, and what was

vaguely called the paramount duties of national banks to industry.

In Germany the reaction from the deductive methods has not, on the whole, been so decided as with ourselves and in France. Still the Congress of German economists, which assembles at intervals of one or two years in the leading towns of the empire, is rapidly becoming a powerful influence. At the Congress held in August last at Lubeck, and extending over a week, the subjects of commercial treaties, strikes, charitable endowments, bank issues, and the monetary standard best suited to Germany, were discussed and dealt with in a practical manner; so much so, indeed, that the resolution of the Congress in favour of a gold standard, based on the florin in contradistinction to the thaler, will have considerable weight with the Berlin Cabinet. As Englishmen, we may be reasonably proud to find one foreign country after another adopting the principles of coinage legislation which we brought to a state of practical completeness so long ago as 1816.

It is, however, in the United States that most remarkable examples have arisen of late years, of the force and success, with which the investigation of economic facts, skilfully conducted, may be made to produce rapid results. Mr. David Wells distinguished himself during the war by pamphlets, on the condition and resources of the Union, and was appointed by Mr. Lincoln to the office of Special Commissioner of Revenue, under the financial secretary, Mr. McCulloch. When the war came to an end the people of the United States found themselves harassed on all sides by a revenue-system which for minuteness of interference, for extravagance of assessment, for obstruction and irritation, for confusion, contradiction, and constraint, is beyond any well-authenticated precedent in any age, in any country, or among any race. The fiscal expedients to which Mr. Pitt was driven in this country by famine, rebellion, mutiny and war, and the general inability of our then population of ten millions to bear the chief burden of an European contest, were simplicity and moderation itself, compared with the Internal, State, and Municipal revenue-system prevailing in the United States in 1865-6. And not only was the revenue-system bad as a machine for raising money for the public service, but there had grown up alongside it a net-work of protective duties which everywhere sacrificed the millions of unseen consumers to the apparent prosperity of a few conspicuous manufacturers and clamorous interests. Mr. Wells set to work in a manner as creditable to him as a philosopher as it was efficacious as a public servant. He personally visited all parts of the country,

and collected evidence relative to the revenue and protective systems. He then applied for official permission to visit Europe and especially this country. He came here in the summer of 1867, and the result of a four months' visit and inspection was his conversion to Free Trade. He returned to Washington, and in a series of reports, already become historical, he exposed, by means of official facts and evidence, the vices of the internal revenue, and above all the destructive folly of the protective tariff. The Protectionist party became furious. They first tried to drive him from the public service altogether. Failing that, they hit upon the expedient of preserving the office but cancelling the salary attached to it. Mr. Wells did not regard the salary, and retained his appointment until his reports were finished. He was immediately placed by the State of New York at the head of the Commission for inquiring into and reforming the System of State Taxation: and the exhaustive report of that commission issued early in the present year, is Mr. Wells's latest official contribution to economic literature; and to that inductive method of fact and observation, as applied to social and economic phenomena, from which we may with confidence expect future triumphs, great and manifold.

Mr. Wells's latest researches were embodied in an article in the *North American Review* for June last, and from that paper I quote the following telling exposure of the reasons why in the United States the most extensive "protection fails to protect." Mr. Wells takes the case of the manufacture of fur and felt Hats; a manufacture established in America before Independence, and, down to 1860, so flourishing, that the United States made better and cheaper hats than any other country, and had a larger export demand for them. At present, and for some time past, the prosperity of the trade has departed, the foreign demand has ceased, and the price of home-made hats has so increased, that the American people wear fewer hats than formerly; and the manufacturers have suffered losses so severe, that considerable numbers of them have become bankrupt. Mr. Wells points out that the reasons are obvious. The fur comes from Germany, and, if imported on the skin, pays 10 per cent. duty; if cut from the skin, 20 per cent.—the reason for this singular difference consisting in the fact, that there is a single powerful firm in the States who possess a peculiar secret for shearing hatters' fur, and have contrived to procure in their own behalf the difference of 10 per cent. between shorn and unshorn skins. The best kind of wool used for hats comes from the Cape of Good Hope, but upon this raw material the import duty is 100 per cent.; the

silk comes from France, and pays 60 per cent.; the inside leather pays 45 per cent.; and if the hat be imported in a finished state, it pays 35 per cent. "Under such a code of protection, is it any wonder," Mr. Wells asks his countrymen, "that the hat business does not flourish in the United States, and that our people pay more for hats, and get a worse article, than the people of any other country on the face of the globe." Pursuing the same detailed method, he shows that the people of the United States use less sugar and coffee per head than they did in 1860; use fewer boots, shoes, hats, and other articles of universal demand; and that the consumption of cotton-cloth is less in 1870 with 39 millions of people, than in 1859 with 30 millions, and that as a general result the United States not only buy less at home, but send much less abroad; and, above all, send away even these lessened exports almost entirely in foreign ships, because the protection of American ship-builders has done its work so completely as to conduct them into extinction.

The Second of the circumstances I mentioned at the outset, namely, the efforts at length being made in this country to teach elementary economics in common schools, is of even greater importance than the advances in Method I have just pointed out.

In the course of 1870, a Committee on Labour and Capital was set afoot by the Social Science Association, and early in the present year that Committee had an interview with the President of the Educational Committee of the Privy Council (Lord Ripon), to urge the desirableness of teaching elementary economics in schools under public inspection. The Committee stated their case as follows:—

"(1.) Your Memoralists have a strong conviction that the hostility between Labour and Capital, arising from an erroneous belief that the interests of workpeople and their employers, and of tenants and landlords, are opposed to each other—a belief leading, in Manufactures, to attempts to impose harassing restrictions regarding rates of wages, hours of labour, piece-work, number of apprentices, and the use of machinery; and, in Agriculture, to attempts to dictate the amount of rent to be exacted and the selection of tenants, and leading, in its further stages, to strikes, lock-outs, rattenings, and threats of personal violence, and ultimately, in many cases, to murder itself —might have been mitigated, and in great measure prevented, had the people of this country in their youth, and before the mind could be warped, been instructed in the elements of Economic science. And on this and on other grounds, they respectfully urge that no more time be lost in taking measures for gradually introducing this

knowledge, as a regular branch of education, into all schools to which the State gives pecuniary aid.

"(2.) The practicability of communicating such knowledge to the minds of even very young persons, and of making it both interesting and attractive, has been demonstrated on such a scale as to place the matter beyond doubt.

"(3.) Your Memorialists respectfully suggest, as one practical mode of proceeding, that Elementary Economic Science be added to the subjects in which persons intending to become Teachers are invited to qualify themselves for examination, under the supervision of the Department of Practical Science and Art, and in which they may afterwards prepare pupils for examination, with a view to payment for ascertained success; and further, they venture to submit that, until all difficulties incident to the establishment of this new branch of instruction shall have been surmounted, it would be highly expedient to appoint at least one well-qualified School Inspector, of known zeal in the cause, to superintend operations on this particular subject."

The result of this memorial is officially reported as follows:—

"The Committee need scarcely say that their deputation, which was introduced and ably supported by Professor Fawcett, M.P., was courteously received; and although it did not succeed in convincing Lord Ripon and Mr. Forster of the necessity of the appointment of a School Inspector for the special object in view, the interview was productive of much good. The deputation had the pleasure of learning that Political Economy is already one of the subjects on which a Teacher may offer himself for examination, and, after passing therein, may prepare his scholars for examination by the Inspector; while their success would obtain for him a moderate capitation allowance.

"As an immediate expedient, Mr. Forster suggested that the Committee should try to get instruction in Political Economy introduced into the district of some one of the present Inspectors; and the Committee are happy to announce that, through the intervention of Professor Jevons, of Manchester (a member of the General Committee), Mr. Brodie, one of Her Majesty's Inspectors of Schools for that district, has kindly consented to take upon himself this additional trouble, and has already made arrangements for the introduction of the study into four large and important schools, under clever and experienced teachers.

"The schools alluded to in the memorial, as having shown by experience the practicability of rendering rudimentary political economy interesting and attractive to the young, were, in great part, founded by Mr. William Ellis."

We have here a beginning full of promise. The Committee do well to mention with all honour the name of William Ellis. For more than thirty years he has with princely munificence,

and at no small sacrifice of time and comfort, promoted the formation of Birkbeck schools in different parts of London, in which, in concert with Mr. Shields, he has demonstrated on a large scale that to the boys and girls resorting to common schools, lessons in rudimentary economics are highly acceptable, and can be conveyed to them in a systematic and thorough manner. The same results have been established at Glasgow by the schools promoted by Mr. McClelland and his friends, and for many years carried on in the face of calumny and opposition.

The motion in the House of Commons on 21st July last, by Sir John Lubbock, directed to the furtherance of the objects set out in the memorial to Lord Ripon, was favourably received, both by the House and the Government: and we may now congratulate ourselves that a beginning has been so effectually made, that nothing but supineness on the part of ourselves can postpone success. Surely if there be any proposition which more than another commends itself to experience and common sense, it is this—that to the classes which, before all others, depend upon the wisest and most advantageous disposal of their sole possession, their Labour, we should convey at the earliest period, before prejudice, passion, and bad habits intervene, some accurate knowledge of the causes which regulate capital, profits, and wages. We may or may not teach anything else, but *this* assuredly we must either teach rightly, or it will be learnt wrongly in other quarters.

Not only is there a prospect of the teaching of rudimentary political economy in common schools, but in schools of the higher grades there is now some degree of attention given to the science. The professorship at Cambridge in point of endowment and tenure is perhaps satisfactory for the present, but the same remark cannot be made of the chair at Oxford. At Edinburgh the University has been recently enabled to erect a Professorship of Political and Commercial Economy and Mercantile Law, under circumstances especially favourable; and when I say that Dr. W. B. Hodgson has been chosen as the first professor, we shall all agree that at Edinburgh, at least, the science will be expounded with all the skill and practical knowledge of a man who has been throughout his life a teacher; and with all the vigour and originality of an observer and student who well understands how to make the solid results of the present time a platform on which to prepare for the advances and changes of the future.

The two principal events in this country of the past twelve months relating to the subjects which belong to this section,

have been the passing of the Government Bill on Trades Unions; and the formation of a public association for procuring a fundamental change in the conditions under which land is held as exclusive property.

The Trades Union Act concludes the long controversy between the Legislature and the working classes regarding combinations. Peaceful combinations to procure higher wages, shorter hours, and better conditions generally, are now fully within the law, so long as violence, threats, and molestation are not resorted to. The Legislature, so far as it can, has remitted arrangements between masters and men to the only arbitrament which can really settle them, namely, free discussion between the parties. Such arrangements are essentially bargains regulated from time to time by the circumstances of the demand for goods, the supply of labour, and the resources and enterprise of capital; and, without quarrelling or temper, it is the interest and the duty of both sides to discover, by the quiet discussion which takes place in all other commercial dealings, what are the precise and practical terms on which they can buy or sell. A strike is the end of discussion and the beginning of war, and injures both sides. The common sense course is to set up some Middle Tribunal composed of representative masters and men, who will meet as people of business, and fix the rate of wages from time to time. The Council of Conciliation in the Hosiery trades have for some years successfully accomplished this purpose, under the chairmanship of Mr. Mundella; and in numerous other cases the same principle has been applied with or without the assistance of Mr. Rupert Kettle as umpire or arbitrator. In the north of England Iron trade a similar committee at Darlington, under Mr. David Dale as chairman, and Mr. Jones and Mr. Kane as secretaries, has with marked success adjusted the wages of about 25,000 men to the fluctuations of the market. These are great and solid practical advances on the former state of isolation and uncertainty.

Not yet, but in course of time, as economic principles become popularly understood, we shall see trades unions purged of their most erroneous and mischievous purpose of seeking an uniform rate of wages without regard to differences of skill, knowledge, industry, and character. There is no tenet of socialism more fatal in its consequences than this insidious and plausible doctrine—a doctrine which, if acted upon rigidly for any length of time by large classes of men, would stop all progress. Put into plain language, it means that there shall not be in the world any such thing as superior talent or attainment;—that every art and handicraft shall be reduced to the level of the

commonest, most ignorant, and most stupid of the persons who belong to it—that to secure this end every man to whom nature has given special ability, and who by effort and self denial has brought that ability to more or less perfection, shall forego the superior rewards, the honours, and the advancement which he can easily and fairly earn. Happily, human nature is so constituted that no such code of repression will be long submitted to; and it is this ineradicable desire, as Adam Smith said, to better their condition, which comes into the world with every man and woman, and never leaves them till they go out of it, which always has and always must defeat all socialistic proposals for sinking the individual in the mass; and providing, as it is said, in a vague and sentimental way that the labour of all shall contribute to the equal enjoyment of all. The fallacy lies in that notion of equal enjoyment as the return for unequal efforts, abilities, and sacrifices. It means that while the abilities and labour of A and B may produce a result equal to, say, thirty; and the inferior abilities and labour of C and D equal to ten, the whole product of, say, forty, shall be divided into equal parts of ten, instead of giving as is their due, fifteen each to A and B, and assigning as is also their strict desert, five each to C and D. There is no such thing in nature as an equal division of unequal earnings, and it is because socialism in essence means that and nothing else, that it is an impossible and pestilent delusion. Every human being is by nature entitled to justice, protection, freedom of thought and action, and to such a measure of instruction as will suffice for the intelligent use of his limbs and faculties—but from society he is entitled to no more. All the rest he must conquer for himself, and he must have the most perfect assurance that he will enjoy the full benefit of success on the one hand, and have to bear the full consequences of failure on the other. This is the Law of the case—the conditions under which as a matter of hard fact human societies subsist. Beyond these and in mitigation of their severe logical issues, lie the functions and graces of compassion, generosity, and gentleness—of the desire to reclaim the erring and to raise the weak—functions and graces without which the world would lose every trace of light and happiness; but at the same time attributes which move and ameliorate within a circle of their own, and in obedience to aspirations which are most noble and perfect, when they leave farthest behind every thought of self and every calculation of gain.

It is chiefly abroad that we now hear denunciations of Capital as the great enemy of the working classes. Popular observation among ourselves has advanced far enough to see

that as a general proposition nothing can be plainer than that the greater the accumulation of capital, that is to say, houses, shops, ships, railways, manufactures, commodities, animals, tools, and implements, the better must it be for the classes who live on wages, and who desire to buy with those wages as many commodities as possible. A cheap country means a country where there is much capital, and much, therefore, to sell; and a prosperous country means a country where the industry of the people produces the largest quantity of useful and desirable things, to be divided among the capitalists and labourers who produce them. The first concern of all societies must be to augment the Gross Produce of the year, so that after providing for the subsistence and comfort of the members there may be a surplus applicable to the cheapening and enlarging of future production. How best to secure the just and reasonable Distribution of the gross produce among capitalists and labourers, is the precise problem in political economy which it is most difficult to settle; and the discussion of which every age and every country will approach from some special point of view, or under the influence of some special fact or theory. In this country we have made certain positive advances towards a solution—advances not likely to be disturbed, come what may. In contra-distinction to the beliefs of former times we have satisfied ourselves that a just and reasonable Distribution of the gross produce cannot be assisted by monopolies or protection; and in contra-distinction to a large party in France and Central Europe we have also satisfied ourselves that the socialistic scheme of an equal division of unequal earnings does not mean that just distribution of gross produce, by which, alone, the economic life of a society can subsist and flourish.

I decline to venture upon any formula of doctrine, but if I was asked to state in the smallest compass the practical result of discussion and experience in this country during the last forty years, I should say that those economic conditions which are most favourable to the creation of the largest possible Gross Produce, are also in themselves most certain to secure its just and reasonable Distribution among capitalists and labourers. For what does the fact of the largest possible gross produce imply? It implies great intelligence working under fitting control, industry, enterprise, self-reliance, frugality, temperance, perfect freedom of action and contract, cheap and speedy justice, respect for the wise, and honour for the courageous and upright; in a word, the best and fittest men in the best and fittest places, animated by the consciousness that to every worker will fall the reward due to his merits. According to this view

it is a more difficult thing to accomplish Increasing Production than to apportion it when it is secured. The miseries of the world arise ten times more from that which is wasted, than from that which is unequally distributed. An economical millenium would be an epoch in which there was no Waste:—no waste of human lives, no ignoble sloth, no disease and decrepitude, engendered by ignorance or neglect of natural laws, no waste of useful things in vulgar, insolent vanity; above all, no waste of health, substance, and self-respect in drunkenness and its attendant vices.

What then can be done to prevent and diminish Waste? The answer to this question raises a cloud of difficulties, and brings forward at once the two schools and parties, one of whom hopes much, and the other hopes little, from the interference of the central authority, or State. It is not to be concealed that, of late years, the first of these parties has been gaining ground. *Laissez-faire* has become a contemned doctrine, and there is no lack of observant and vigorous minds who have satisfied themselves that the most hopeful future of modern societies lies in the direction of increasing State Control and Interference with the free action of individuals. But, by the term State, they carefully explain that they mean not a blindly-despotic, but an enlightened State—a State markedly wiser and better than the mass of its subjects, so that with them State control would be the superintendence of a sagacious and well-meaning parental authority. For myself, I say, without reserve, that I do not belong to this party. No State Authority can be better or wiser, in the long run, than the community which supports it. Every nation, said one of the wisest men, has a government just as good as it deserves: neither better nor worse. A community, capable of devising and sustaining a wise parental government, would abundantly prove, by that very act, that it was a sufficient law unto itself, and could accomplish, by individual energy, virtue, and freedom, every purpose to which a strong central authority ought to apply itself. A pervading and meddling government means a wilderness of functionaries, and an apparatus of certificates, formalities, reports, and signatures, which of themselves fill up an average life. This is not freedom but functionarism; and the radical vice of all functionarism is the absence of any adequate motive of personal gain or loss. It has been well said of the public dockyards that, if each establishment could be fixed with an accurate capital account, and the officers be paid by a per-centage on the profit and loss results, no further measure of naval reform would be needed, because, at length, a sufficient individual motive would have been

brought into play in favour of progress and economy. Nations have been frequently enough killed by functionarism, but never created or advanced by it. Austria is slowly and painfully recovering from this incubus; and in France it is the very worst symptom of its condition that every second man and woman has no higher ambition than to become an obscure, ill-paid, and ill-treated functionary in the service of a central authority, which regulates everything, and controls nothing. The future government of France, it has been said, ironically but truly, is only possible to the person or party who will confer the Legion of Honour upon the whole, and places upon half, the population. The founders of our English polity, at least, never fell into this mischief; and it is exactly because we have always striven to reduce the functions of government to a minimum—to find in the Common Law rights and duties better than any to be obtained from kings or councils—to do for ourselves that which other nations have had done for them —that we have become so robust a people;—and our truest and noblest future consists in carrying to perfection the same principles of the orderly and intelligent freedom of the Individual.

To determine accurately how far, in each particular generation, Control shall modify free action, is a most difficult practical question. Control there must be, and new conditions of life are constantly raising special cases. During the last fifty years the rapid spread of manufactures, and the collection of heterogeneous populations, in old and new localities, has compelled us to resort to a degree and species of interference and inspection, which our forefathers would have resisted as tyranny. The Factory, Passenger, Mines, Workshops, Sanitary, Vaccination, and other similar Acts are all measures of police, justified by a particular state of things; and it is quite possible to suppose that, within some moderate period, they may accomplish their educational purpose, and create a public opinion strong enough to effect of itself the wholesome regulations now enforced by law; just as public opinion has, of itself, put down bull-baiting, cock-fighting, and the prize ring. We may, perhaps, even speculate on the arrival of a time when it will be as superfluous for the State to provide compulsory education as to provide gin. The article itself will be appreciated and provided on its own merits. In one direction, we have already arrived at positive conclusions regarding the province of the State—we have given up all attempts to prevent people from mismanaging their property. We no longer pretend to catalogue unsound investments, or unsound joint-stock companies; to point out insolvent railways, or

dishonest foreign borrowers. We have also wisely left the licence of the press to be wholly controlled by a simple law of libel; and, generally, we have established, as a canon of our legislation, that, except in such cases as the Post Office, the Government cannot, with success or advantage, conduct any commercial business. It is among the strongest signs of a progressive national life that it is able, from time to time, to dispense with the presence of the State in spheres of action where formerly it was conspicuous or supreme. In the settlement of religious creeds, in the ordering of University tests, and in the toleration of dissenting churches, all of them subjects with which the State formerly concerned itself, to the neglect of its real duties, we have utterly, and for ever, discarded all idea of legislative interference. The disputes of ecclesiastical litigants are remitted to the ordinary tribunals, and a theological debate in the House of Commons has become as impossible as a discussion on the attributes of the Grand Lama.

The formation in this country of a public association, including names of the highest class, with the object of largely abridging the exclusive Ownership of Land, is a remarkable event. It is quite puerile to affect to be angry at such a proceeding, or to expect to put an end to it by contempt and abuse. The allegations must be met and examined on their own merits, and they must be disproved by the only kind of refutation which effectually answers the purpose: the refutation, namely, of stronger arguments and more conclusive evidence. It is inevitable that discussions of this nature should arise from time to time; but it does not always happen that the innovating party, as in this instance, have the aid of one of the most eminent of the living masters of language in setting out their proposals.

The programme of the Land Tenure Reform Association contains ten articles, and as regards six of them, there will be but little dispute anywhere. We are all in favour of (1) removing all legal and fiscal impediments to the transfer of land; of (2) restricting within the narrowest limits the power of tying up land, the effect of which is to leave it without some owner having full actual power of dealing with it as an article of hire or sale; of (3) assimilating as concerns real estate the law of intestacy to the same law as affects personalty, namely, that the absence of a will shall distribute both realty and personalty among the survivors. Still more emphatically will public opinion accept the doctrine that (4) the inclosure of common and waste lands shall be strenuously resisted

in the interests of the public health and the necessities of a growing population. We shall also all agree that (5) it is desirable, wherever possible, to preserve a certain portion of the commons and wastes in their wild natural beauty; and (6) I do not know that as an abstract proposition there is much danger in the suggestion that the State should possess compulsory power of purchasing, at a fair price, "natural and artificial objects attached to the soil, and being of historical, scientific, or artistic interest."

The remaining four articles of the programme are of a different character. They claim (7) for the benefit of the State the "future unearned increase of the rent of land" arising from the mere progress of the country in wealth and population. They further claim (8) that the State shall from time to time purchase estates in the market and let them off to co-operative agricultural associations; that (9) estates shall be similarly procured and let off to small cultivators; and lastly, that (10) lands belonging to the Crown, public bodies, and charitable and other endowments, shall be made available for these purposes.

As Mr. Mill candidly admits in his exposition of this programme, it is founded in essence on the allegation that the fee simple of the land of a country should belong only to the State or community; and that there should be no such thing as full or exclusive ownership permitted to private persons; and he admits also that the ultimate intention of the scheme is to bring the whole of the land, houses, mines, and minerals, into the custody of the State, to be managed by functionaries for the benefit of the national exchequer, with the view of diminishing, or even superseding entirely, ordinary taxes. Mr. Mill differs from another association, who propose to carry out this plan at once by getting the State to resume all the lands, houses, mines, and minerals, under compulsory powers of purchase, and have the rents paid into the exchequer; and as the reason of his dissent, Mr. Mill says—

"I have so poor an opinion of State management, or municipal management either, that I am afraid many years would elapse before the revenue realised by the State would be sufficient to pay the indemnity which would be justly claimed by the dispossessed proprietors. It requires, I fear, a greater degree of public virtue and public intelligence, than has yet been attained, to administer all the land of a country like this on public account."

In this statement, at all events, we shall every one of us agree. But what a suggestion it is "To manage all the land of the country on the public account!" One of the earliest and most

universal occupations of the human race has been the management of land, and if there be any single result of experience more certain than another, it is, that to manage even a small area of agricultural land profitably—to say nothing of houses, mines, and minerals—is even for the absolute owner of that land, acting in person, and on the spot, a very difficult undertaking; and the difficulty increases geometrically with every introduction of mere agency between the actual cultivator and the owner. Nobody has insisted more eloquently than Mr. Mill upon the magic influence exerted by absolute ownership upon the peasant proprietors of Belgium, and certain parts of France. They submit to heat and cold, hunger and thirst, hours early and late, to improve their little holdings, because the land is absolutely theirs, with all it contains and all it can become, and because no lounging functionary, representing a shadowy and remote entity, called the State, can step in between them and their reward. For practical purposes, this single admission of Mr. Mill's upsets his scheme. To manage profitably and well, all the lands, houses, mines, and minerals of a country by functionaries for the public account, is not only, as he admits, impossible now, but so long as human nature remains what it is, will be impossible for all time.

Nor is the other allegation, namely, that the increment of rent arising from the mere progress of wealth and population, should belong to the State, more tenable than the scheme of an universal land and house agency of public functionaries. The primary and indispensable condition of all increase of wealth in a country is, that every man and woman shall apply their labour and faculties under the most direct personal motives of loss and gain, and with perfect certainty that they will be permitted to reap their full reward. It is very easy to say on paper that the future increment of rent arising from population and wealth should belong to the nation; but practically the thing would be impossible without raising so many litigations and disputes, that no man would know whether he was working for himself or for the State, represented by functionaries, living and moving in red tape, certificates, reports, signatures, and all the machinery of a circumlocution office of the largest *calibre*. The scheme is bad because it takes away and impairs those motives of enterprise, forethought, self-denial, and industry apart from which there cannot be for long either any public estate to administer or any private estate to tax. The true policy of a legislature is to leave its subjects to become rich in their own way, subject to as few restraints as possible; and from time to time to raise the needful revenue from those riches and the other resources of

the country, according to the best principles of practical finance. It is the business of the people to provide a surface for taxation; and the business of the Chancellor of the Exchequer to skim off from it, with the lightest, most scientific, and most seductive touch, the smallest portion possible—and he will be wholly unfit for his office if he does not now and then contrive to reach the growing incomes from real property.

I have said that all experience is against the practicability of managing with benefit and success lands, houses, mines and minerals, by mere Agents. Proofs of this statement on the largest scale, and in the most favourable portions of this country, are to be found in the history and condition of the landed estates of nearly all public corporations and bodies occupying a relation of ownership far more close and personal than could attach to a mere Government department. I suppose that no one will affirm that the vast landed estates formerly and at present belonging to bishops, deans, and chapters, and the Ecclesiastical Commission, can bear comparison for energy and skill of management with private properties. The same remark applies in the mass to the estates possessed by colleges, companies, and corporations—and above and beyond all to the properties administered by the Court of Chancery. The Land Tenure Reform Association have heard, I imagine, of "Bleak House," and are prepared with some reply to it. The vast territories in the north of Ireland, acquired nearly two centuries ago by the Corporation of London and certain of the Livery Companies, are a still more pertinent case in point; for so obvious has it become from long experience that these great estates cannot be managed by delegation so as to yield a fair return, that it has been long seriously urged on the proprietors that they should be sold, and in one or two cases this suggestion is now being acted on.

Nor is the scheme stronger in those portions of it which propose that the Government should buy up landed estates and let them off to co-operative agricultural labourers, to small cultivators, and to artisan householders. Apart from all theory, the sufficient answer is that the thing is being done already, and in the best way, under the stimulus of ordinary speculation and profit. One of the statistical wants of the time is a full and impartial history of the Land and Building Societies which, during the last thirty years, have converted into owners of plots and houses, tens of thousands of the working classes, who, under the stimulus of those magic words of "Exclusive Possession," derided by the new reformers, have exercised severe self-denial in order to lay-by a sufficiency of savings to meet their purchases. There are some four or

five of these societies so powerful and wealthy as to be able to buy up estates, costing scores of thousands of pounds. I know myself of three large estates so purchased, and now occupied by nearly a thousand separate owners. By no class in the country would this new notion of appropriating the future increment of rent, be more thoroughly disliked or more fiercely resisted than by these artisan proprietors. They have toiled and pinched to become entire and absolute owners, for better and worse, for now and for ever, and they will not lightly relinquish their possessions. Already there is no fixed commodity in this country more actively dealt in than land. It can be bought in almost any quantities, and anywhere, and when the process of landed titles is simplified—as simplified it must and will be, if by no other party then by the landowners themselves, in their own interest—real estate in England will be transferred backwards and forwards as easily as in Hamburgh. Mr. Mill has mentioned 30,000 as representing about the number of persons owning the cultivated surface of England. This figure is a curious instance of the careless reading of the Census tables. Instead of any such figure as 30,000 representing the number of persons who are directly interested in the ownership of lands, houses, mines, and minerals in England, I believe that twenty or thirty times 30,000 would be within the truth; and considering the gross misconceptions and prejudices which are diffused among even intelligent people on the subject of land, and its possession by a supposed small class, it would probably be a wise measure to have the facts ascertained by a Royal Commission, which might also report on the extent and capabilities of the Waste lands of the island—as for example, how far convict or pauper labour could be systematically, and over a long term of years, applied to the reclamation of Exmoor and Dartmoor and considerable areas of tidal land, recoverable from the sea.

The plea of urgency put forward by the land reformers is the pressure of Taxation, a pressure to be relieved according to their philosophy by the kind of universal land and house agency carried on by State functionaries, which I have just examined. In a country where 70 millions sterling of revenue is raised, the critics of taxation can never lack an audience. But everything is relative, and the effect of a burden depends far less on its own weight, than on the strength which supports it. Seventy millions with our present population and wealth exerts far less pressure than did 40 millions thirty years ago. The period of most severe and crushing taxation in this country was the twenty years from 1815 to 1835. We were then slowly recovering from the exhaustion of

the great war, and not only were the taxes searching and heavy, but they were adjusted on false and destructive principles. Taxation is not now our chief difficulty, it is almost our least. Remember that the assessments on malt, spirits, wine, and tobacco, bring in 31 millions out of the seventy, or nearly half; that tea, sugar, and coffee, contribute at very minute assessments per pound weight, only 7 millions, and that property, in one form or another, supplies the remaining 32 millions. When these are the facts is it not obvious that the working classes have the remission of taxes wholly in their own power? Their own self-imposed contributions to the exchequer, in the form of spirits, beer, and tobacco consumed, are many times greater than the duties on tea and sugar. So palpable is this fact that it is hard to resist describing nine-tenths of the talk about excessive and unfair taxation of the poorer classes as quackery and clap-trap. The working classes must bear their just and reasonable share of the cost of upholding the institutions, security, and honour of the country. Beyond all others, they have most direct interest in the maintenance of that perfect security of person and property which lies at the very root of all our advantages and progress. France is an example of what political and social insecurity means for the labouring part of the nation. Rich people can get away, but poor people cannot, and must bear the brunt of famine, sword, and hostile occupation.

Mr. Lowe's speech of 2nd June last, in reply to a motion by Mr. White, pointing to a further reduction of the duties of tea and sugar, was not a whit too distinct and positive.

"I am come," he said, "to the alternative suggested, that in preference to paying off the National Debt we should reduce the duties on articles consumed by the poor, such as tea, sugar, coffee, cocoa, but not tobacco. The hon. gentleman talked of the severe pressure upon the poor of having the necessaries of life taxed, but the expression, 'necessaries of life,' is a mere affair of words. One portion of society considers as necessaries of life articles which another portion does not think so. I do not object to the hon. gentleman calling tea and sugar necessaries of life, but the mere calling them so does not make them so in the sense used in taxation. What is meant in reference to taxation by the phrase, 'necessaries of life,' is the things required for the support of life. The shilling duty on corn amounted to a tax, in regard to wheat and the cereals entering into the composition of bread, of 2½ per cent. on the bread of the poor, and when we hear so much of the hardship of a 2½ per cent. income tax, it cannot be thought an unworthy act to have taken off a 2½ per cent. tax on corn, which was, in the strictest sense, a tax on the necessaries of life. The hon. gentleman considers that the duties on tea

and sugar should be taken off altogether, as being necessaries of life, but that the poor should continue to pay the duties on stimulants and tobacco. Such a course of proceeding would be tantamount to declaring that those of the working men who had no taste, or but little taste for stimulants, should pay no taxes, or be but lightly taxed. Nothing could be more dangerous than such a doctrine. As the electoral suffrage is now settled, the householders of the country have an influential voice in electing those who are to make laws for the country, and if it were made optional for them only to be taxed according as they consumed certain luxuries, the effect would be that you would have one set of persons empowered to impose taxes, while another set of persons would have to pay them. The poorer classes would tax the rich, while they themselves would be free from the burden of taxation. A rich inhabitant of New York once complained of the course pursued by the people in electing persons who spent millions of the money of the city without having anything to show for it, and added that if honest persons were elected the money would be more beneficially expended. The person addressed replied—'What is it to us? It is you who pay and not we.' The same would be the case here if the proposition of the hon. member should be adopted, for then a privileged class would be erected, and you would lose the only satisfactory check on the mode of imposing taxation.

"The adoption of such a proposition would also have a prejudicial effect on the capital and resources of the country, to an extent that can scarcely be conceived. If you are going to destroy all Indirect taxation, where are the resources to come from to enable you to meet the requisite payments on account of the debt, and to provide for the necessary expenditure of the country. It would hardly be possible to have a revenue sufficiently elastic to meet the burden of the public necessities. The debt would remain, but the sources from which it is paid would be exhausted. If the tea and sugar duties are abolished, the result will be that whenever any great demand has to be made on the resources of the country, it must be made by Direct taxation, and up to a point so oppressive as to render it even a greater evil to the poorer classes than if they had to pay a certain portion of the amount required. If you try to carry direct taxation beyond certain limits, capital will make itself wings and fly away."

Mr. Lowe's just and fitting affirmation of the necessity of maintaining Indirect taxation as a constant and considerable integer in our ways and means, suggests a reference to the conclusions arrived at after long inquiry by the New York Commission, under Mr. David Wells, regarding the attempts made in the United States to tax the capitals composing Personal property—goods, furniture, stock-in-trade, flocks, herds, ships, bonds, bills, warrants, securities, and the like—in a Direct form. In the most emphatic manner the Commissioners condemn the attempt as futile and mischievous—as leading to

absolute and grotesque failure, as a resource of revenue—and as producing an amount of deceit and false swearing beyond conception. Here is one of a host of instances:—

"A joint committee of the legislature held a session in New York, and examined into the manner and mode of the assessment of property in that city. They ascertained that only about sixteen millions sterling of capital of personal property was placed upon the assessment of the entire city. The committee inquired of those who came before them—and they were gentlemen of great intelligence and business capacity, one of them of the firm of Brown, Brothers, & Co.—if they thought that one-third of the personal property of New York City was placed on the assessment roll. This gentleman said that his acquaintance was limited compared with some other gentlemen, but he believed he knew persons within his own small circle alone owning as much personal property as the whole sixteen millions. Another witness, Mr. Pierrepoint, of New York, stated that he could name in the State thirty men whose aggregate wealth was forty millions sterling, or five millions sterling in excess of the official valuation of all the personal property of the entire State."

The practical result of the inquiries of the Commission, and the recommendations which they unanimously and strongly urge is, that all attempts to tax directly the capitals representing personal estate be abandoned as futile and demoralising; and that the American legislatures adopt at once the English principle of taking the rental of houses and occupied buildings as the best unit for direct assessment, and as the most certain index to the value of the personal estates of the owners or occupiers. It is no small advantage to have the benefit of such a result in such a quarter at a time when we seem likely to have put forward proposals for amending our Local taxation by bringing personal property into the schedules.

It is impossible to say how far the frauds and chicanery of the revenue-system may have helped to degrade American public opinion to a point so low that, for one year after another, it has been possible for the Tammany Gang to hold the government of New York City, and to carry it on with barefaced jobbery and corruption—for a small knot of gamblers to convulse the trade of the entire Union by the notorious Gold Room "rig" of September, 1870—or, still further, for Fisk and Gould to keep possession of the Erie Railway for a term of years, maintain an opera house and ballet out of the proceeds, to issue as many bonds and shares as they think proper—and to set at defiance native and foreign creditors and shareholders, and all the State Courts into the bargain. If brigandage like this can be carried on as an institution in settled societies our

functions in this section are at an end. Political economy supposes swift and equal justice, and emphatically the condign punishment of swindlers, cheats and malefactors. If the office of the judge fails, still more if the judge himself becomes an accomplice with the thief, it is a mockery in such a country to talk of material and moral progress. The foundations are gone, the whole edifice is rotten, and the catastrophe will in its own time come. Coleridge said on a memorable occasion, "If I was a clergyman in a Cornish parish where wrecking was practised, I should leave all other topics to take care of themselves, and do nothing but preach, teach, and punish till wrecking was put a stop to." How many people are there in the United States who will follow a like course against the culprits who have organized these robberies—against the judges who aid and abet them—and against the vicious institutions which permit such men to be magistrates, to caricature the office, and grow rapidly and complacently rich on bribes and benefactions.

There is another special topic, and it is the last to be referred to. It is a topic, also, upon which it is probable that my views may not be those of the more numerous part of my audience, I mean the Commercial Treaty of 1860 between France and this country. For revenue and other purposes France is now wisely or unwisely desirous of altering many of the rates of duty stipulated by that treaty, and finds herself in the dilemma of having to negotiate with a foreign power on a purely domestic question. England, if so minded, can for a year prevent France making fiscal changes, rendered necessary to French finance, say the French Government, by the effects of the German war. The position is harassing and unnatural, and strongly illustrates the force of one of the objections to all commercial treaties, namely, the possibility that under them a country may cease to have full control over its own domestic affairs, and may be compelled to ask the permission of a foreign power before it can settle its own budget. Any trade subject to such contingencies is artificial and casual. In April, 1870, the Manchester Chamber of Commerce sent to Messrs. Dollfus Mieg, & Co., of Mulhouse, a remarkable reply to inquiries made by them relative to the effect of the French Treaty on the Cotton trade. The French manufacturers were under the impression that the treaty had conferred immense benefits on Lancashire, but the Manchester Chamber told them a very different story. They said:—

"We send you returns, which show how very little the condition

of the Cotton trade from 1860 to 1869 has been ameliorated by any intercourse resulting from the French Treaty. Although our Board of Trade returns show a considerable increase in the export of cotton goods to France since 1860, it should be borne in mind that the figures include returns of goods and raw cotton *in transitu*, and, unless this be understood, the figures mislead, since we have no return of goods carried to France solely for home consumption there."

The same result will be found in other large industries. To whatever extent the arrangement of 1860 may have enlarged trade between France and England, the result is wholly due to the Free Trade principle of removing or reducing duties. Supposing this removal or reduction to have been adopted, pure and simple, either by one or both the countries, every possible advantage would have been secured without any treaty at all. In 1860, we could afford to reduce our customs' duties on French wines, brandies, silks, and bronzes; and if we had done so without any reference whatever to the French Government, and without troubling ourselves to enquire whether they proposed to alter even a single item in their tariff, results the same as, or better than, those which have happened under the Treaty would have flowed from the simple free trade reform. The lessened duties would have led to larger imports of French goods, and, as it is pretty certain that the French merchants would not make us a present of these goods, payment would have been made, by fair or contraband means, either to France itself or to some country to which France was in debt. It is the essence of free trade that each country shall go on as fast as possible, reducing and simplifying its own tariff, without troubling itself about the tariff of other States; and for the sufficient reason that low duties infallibly bring more imports—that the benefit of foreign trade consists in the imports—that is in what we receive, not in what we send away—and that on very obvious principles of human nature, if we take care of the imports the exports will take care of themselves. These are the doctrines of the famous Merchants' Petition of 1820; and these are the principles which governed our policy from 1845 to 1860, a period during which our commerce underwent rapid expansion, notwithstanding the tardy steps with which foreign States followed our free trade example. I held this language in 1860 when the Treaty was first propounded amidst popular applause. I hold it now—and there is no great hazard in the prediction that, before very long we shall wholly cease to trouble ourselves with commercial treaties, and revert to the simple teaching of Adam Smith and Thomas Tooke, and to the

abundant experience which has established its sufficiency and truth.

I may now conclude this discourse.—In this country, of late years, we have made real progress towards an exact and clear definition of the province and purpose of Economic Science under the conditions of modern life. We have reached and surmounted that crucial stage in the history of all new branches of knowledge at which, by general consent, it is confessed that only in pursuance of special methods and principles, can certain conclusions, essential to human welfare, be ascertained and applied; and in pursuance of this confession, Political Economy has become one chapter in that great and growing canon of observation and induction, by means of which mankind are beginning to understand a little of the wonderful universe around them. I say one chapter of the great book, because year by year the chapters and divisions multiply, and while more accurate knowledge renders every line sharper and plainer, it also shows us, with ever-increasing light, how close is the kinship and harmony between every part of physical, economical, and moral phenomena. The essential difficulty of economic studies is, that they stand midway between that which is physical and mathematical, and therefore rigid and exact; and that which is political and moral, and therefore fluctuating and inexact, because influenced by human prejudices and passions. The economist investigates chiefly the results produced by the universal motives of self-interest, by the desire of mankind to avoid labour and pain, and enjoy ease and comfort; and this is his sure scientific platform. But self-interest, unlike gravitation, or chemical properties, is not a constant quantity. It is always present, but not in the same force; it points always towards one direction, but not necessarily in a straight line. The economist, therefore, has to correct his chart much as the sailor corrects his compass. Both observers are certain that the chief indicator upon which they rely cannot be wrong, but in the use of it safety or destruction will depend, on the accurate or careless way in which the deviations it is subject to are allowed for; and nothing but proof and experiment can justify confidence in the calculated corrections.

It is one of our advantages in this island that we are not likely to undervalue the national and individual strength conferred by a sound economical condition. Nationally, it means industry and intelligence placed under the fittest conditions for the production and distribution of wealth—it means a State wise enough to take as few taxes as possible, and those few with the least detriment to its subjects—and it means

a public fortune ample for every purpose of national independence, generosity, and honour; and for the encouragement of all pursuits which add to the dignity, brightness, and usefulness of human life. Individually, it means the avoidance of poverty and parsimony, and scope and occasion for the blossoming of the robust virtues which find their sustenance in truth, simplicity, and freedom. As education overtakes the ignorant classes, this process of appreciation will act with a vast force, and will produce like results. We already witness some first fruits of these results in the quickness and decision with which the public mind apprehends and disposes of new events and questions, separates the shadowy from the real, the departed and dead past from the living and moving present.

We have also in this country two other advantages—first because we have thoroughly and for ever cast aside all notions of protected classes and protected trades. We are prepared to deal with facts in their naked form, and free from artificial disguise, and to sink or swim as free competition and intercourse with all the world may determine. And, second, we keep alive with sacred care the precious instinct of our forefathers in favour of equal laws, administered with a vigour and justice which compels high and low to obey and fear them. So long as this public polity prevails among us, we cannot depart far from a sound economical condition. The classical communities fell to pieces, because, with them, labour was neither free nor honourable—the modern communities will live and flourish in the degree in which the working classes know and feel that the State throws open to its humblest subject, without let or hindrance, the path to every distinction, and the chances of every prize.

It is a misuse of words, therefore, to describe England as an old country. A country is not old by reason of lapse of time, but by the decay of courage, intelligence, and virtue. The origin of our institutions may reach back into early centuries, but if the spirit and energy of them live, they will see the end of many experiments more recent and boastful; and it is because in this country the only traces of age are the wisdom, the patience, and the resources which experience alone can give, that we look with confidence to a future time when the noble inheritance of knowledge and freedom, held by ourselves, will have grown into a yet fairer and more commanding State; and the masculine tongue of Shakespeare, Newton, and Adam Smith be the classical language of every race, from which the world receives laws and enlightenment.

Address

BY

GEORGE WOODYATT HASTINGS, M.L.,

Barrister-at-Law,

President of the Council.

IT has been my endeavour, in discharging the annual duty which devolved upon me from illustrious hands, to bring prominently before your notice those questions with which the Council of the Association has been chiefly occupied during the past year. At our Newcastle Congress much was necessarily said on the subject of education; the same great topic was last night urged upon you by our President, with all the personal weight which his long public devotion to the cause of national education must give. There is no intention of taking you this morning over the same well-trodden ground; my wish had been to beg your attention at once to other topics, but circumstances compel a different course. The deep interest which this Association has taken in the advancement of education, the influence it has exerted over recent legislation, and the duty which it owes to the people in their highest cause, will excuse a few words on matters which are to me, as Chairman of a school board, within my immediate cognisance.

I was asked the other day, by a young lady, whether school boards were not very dreadful things? Possibly some such doubt as to the orthodoxy of the institution pervades a considerable class, but it is to be hoped that before another year has passed away the results obtained in improved education, more adequate provision for teaching, children rescued from the streets, and parents brought to a sense of their duty, will dissipate this prejudice. When we met last year great, perhaps too sanguine, expectations were entertained of the immediate effects that were to follow the election of the

boards. A proportionate disappointment is likely to ensue, but justice should be done to those engaged in the work. It is true that a few of the boards, or, to speak more accurately, some members of a few boards, have exhibited a disposition to rhetoric, which hardly bodes well for practical administration. But, taken as a whole over the country, it may be doubted whether there has been more talk than has been necessary to clear the field of obstructions to future action. There are, however, boards whose members have not talked, but have set themselves down simply and earnestly to do the work which they were elected to perform. Surely those who did so might fairly expect that no obstacle would be thrown in their way; surely those who looked forward with hope to the results of the Elementary Education Act never anticipated that any official barrier would be raised against the progress of the work.

Now, I will tell you a fact. The Worcester School Board held its first meeting on February 16 last, and after electing the necessary officers, and transacting other preliminary business, it proceeded to its duties under the Act, first to ascertain the existing educational provision for the city, and secondly to supply the deficiency found to exist. I have the honour to be Chairman of the Board, and can testify to the zeal which has animated its members. For six months there was not a single absentee from any meeting, and though the Board contains representatives of various political and religious bodies, no partisan discussion has ever taken place. There has been a unanimous desire that, instead of making speeches, we should do the work entrusted to our hands; and, so far as lies in our power, that work has been done. After a careful census of the existing schools, and a comparison of the accommodation they provide with the numbers of children within the school age, we came to the conclusion that a deficiency exists to the amount of 500. After more than one effort to obtain immediate school accommodation to meet this deficiency, which came to nought through no fault of ours, we determined on a plan for providing permanent schools for 500 children. We fixed on, and made a provisional contract for the purchase of, the most eligible site, as we believe, in Worcester; and for this site we obtained the approval of the Government School Inspector, after providing for its enlargement to meet his recommendation. All this had been done by the month of June, and we then submitted to the Education Department of the Privy Council a careful report, setting out the conclusions we had arrived at, and the facts on which they were based, and requesting the

sanction of the Department for our proposed site and plan. I believe that in doing this we were ahead of every school board in the provinces of England, and it was our confident expectation that before the time at which I am now addressing you we should have completed our purchase, cleared our site, and have been in a fair way to open a board school in the early part of next year. But from the moment at which the business left our hands we have experienced nothing but delay. From the beginning of June, when our report was delivered to the Secretary of the Education Department, till the 22nd of August, we received no answer, save a formal acknowledgment. On the latter date we were favoured with a letter informing us that the Office was not prepared to give an opinion on our proposed scheme, but that we were at liberty to proceed with the building of our school under the 19th section of the Act. Of course we were. It did not require the superior wisdom of a central department, and the delay of many weeks, to acquaint us with the powers which we knew to be vested in our hands. But the fact was overlooked that though the Act enables school boards to build at their own discretion, the money which they require to do so can practically be obtained only by the sanction of the Privy Council. Our scheme is calculated to cost in execution about 5000*l.*; it is impossible with any justice to the ratepayers to raise such a sum in a single year by precept on the city; and the borrowing powers under the Act, by which payment can be spread over fifty years, are not available till the Education Department has signified its approval of our scheme. We are, therefore, brought to a stand-still, and after waiting since June last, can only see before us a prospect of waiting many months longer.

Now, it does not concern me to inquire with whom the blame may rest. Whether it be that the President of the Privy Council has been doing high service to the State some 3000 miles away, or that the Vice-President has been too much occupied in the House of Commons to care for carrying out the measure of his own creation, or to what other cause our misfortune is due, is very little to the purpose. The fact remains that when a body of much occupied men, elected for the purpose, have given their unpaid services, and have sacrificed time and personal interest to carry out the intentions of the Act, the officials of the Department which is charged with the measure cannot find a dozen hours for their share of the labour. What a commentary on the homilies we so often read as to the defaults of local government and the need for central control! And what a prospect for the scores of other

school boards who are, I may presume, busied in the preparation of their schemes, of whom we are only the first victims, because we have gone ahead of the rest! This Association, I repeat, cannot fail to be interested in the due execution of the Act; and I commend to your deliberate notice the fact that educational provision for 500 children, now morally destitute, has been indefinitely postponed, after the Worcester Board had done its duty, by the Education Department of the Privy Council.

Turning to the subject of Public Health, I may observe that these facts should constitute a useful warning against any attempt to subject our sanitary administration to the close control of a central office. The Act passed during last session has a taking name, as it was meant to have. But what if a Local Government Board means the preservation of local government in name, and its abolition in practice? This may not be the object aimed at, but it is the ultimate mischief to be dreaded. It is, I think, unfortunate that this portion of the recommendations of the late Sanitary Commission has been adopted by the Legislature before the rest have been adequately considered; for the whole scheme, in a great degree, hangs together. Those recommendations were embodied in the Bill that has been laid before Parliament by Sir Charles Adderley, and they have been commented on at length in a report lately issued by our Council. I beg for that document the attention it deserves from our members; it was mainly prepared by Dr. Rumsey, whose opinion on health questions, especially on all relating to the due organization of a sanitary service, is probably more weighty than that of any other man in the kingdom. It reviews at length the recommendations of the Royal Sanitary Commission, and enters into minute detail on questions which I can only cursorily bring before you. I will, however, ask you to bear with me for a short space in reference to one or two leading points. Let me, before doing so, bear willing witness to the value of the late Sanitary Commission. We may feel a legitimate interest in its work, for it was in compliance with a request urged by a deputation from our Council in the spring of 1868 that the Commission was issued by the Crown. A deep debt of gratitude is due to its members, and specially to its Chairman, Sir Charles Adderley, for the vast labour with which they have accumulated evidence of high value, and for their learned, able, and most suggestive report. It is at once a reward and a justification of the pertinacity with which our Council, in conjunction with a sister society, the British Medical Association, sought for an authorized inquiry into the defects of

our sanitary laws and administration, that the Commission has put on record a series of facts and opinions which will absolutely compel legislation. But it will be admitted that if we are to consolidate our law and remodel our administration as to health matters, it were well to do so in the best possible way.

Now, at the bottom of this whole subject, lies the question, what is to be the area, or, as it has been the fashion lately to call it, the unit of sanitary administration? Is it to be the parish, or the union, or the county, or some still larger district? This is not, as might at first sight appear, a question of convenience merely, but one of principle, one which, decide it how you will, must affect the whole complexion of future legislation. It will be admitted, at once, that ancient prejudice, not to be disregarded without reason, is in favour of small areas of local government. But in this case, there is reason to set aside the wisdom of our fathers, because the great innovator, Time, has swept away the state of things on which their ideas were founded. In old days, local administration was limited as much as possible to a small space, on account of the difficulty of locomotion. When the roads were so impassable in winter, that it took a day to perform a journey of a few miles, it was obvious that the more work could be done within the boundaries of the parish the better. The creation of turnpike roads in the latter half of the last century, and the subsequent improvement of parish highways, made such an administration as that of the Poor-Law Unions a possibility. But, at the present time, the general introduction of railways, even in remote districts, has made the access to our county towns an affair of an hour or two. Probably, it is now as easy to collect the necessary attendants at quarter-sessions and assizes, from all parts of a shire, as it was formerly to gather the rate-payers of an average-sized parish in their vestry-room. Increased facility of locomotion has enabled us to use enlarged areas of administration, with all their advantages of greater economy in time, money, and efficiency, just as easily and conveniently as we formerly used small. When, therefore, Mr. Goschen, in his bill of last session, proposed to establish the parish as the unit of local government for the future, he created nearly as much astonishment as if he had asked us to revert to stage coaches in lieu of the rail. His project was the more remarkable inasmuch as, when he framed his bill, the report of the Royal Sanitary Commission, based on information from his own office, was already in preparation, recommending the union as the primary area of administration. But it will be admitted that the same argu-

ments which tell against the parish apply, though no doubt with diminished force, to the union. If the union be better than the parish, is not the county better than the union? The Sanitary Commissioners do not think so, but I confess to have searched their report in vain for any solid reason in support of their decision. It seems to me a halting between two opinions, and one, consequently, which on appeal to principle cannot be sustained. The question involves the fundamental reasoning of the science of society. If, in the organization of communities, it is desirable to vest the primary functions of self-government uniformly in the smallest possible aggregation of individuals, that is one thing; but such a principle would compel the adoption of the parish as the unit of administration. If, on the other hand, it is believed that the establishment of the area which gives us the maximum of efficiency, economy, and convenience, is the true rule for legislation, then I venture to believe that the Poor-Law Union must stand condemned.

Let us consider what are the advantages which large areas possess in comparison with small, specially in sanitary matters, and then we can judge whether the union comes up to the mark. The first advantage is in the kind of men who are willing to serve on their governing bodies. It is very well to exhort men of standing and intellect on the duty of serving in parish vestries, and such like bodies; they admit the obligation, but, in nine cases out of ten, decline to fulfil it. Human nature, as a rule, requires some reward for labour, and those who give their unpaid services to the public desire generally to be recompensed in one of two ways: the vulgar seek social position, and the high-minded aim at moral influence. The secret of the great position occupied by the House of Commons in this country, far beyond its legal claim, is the immense power it exerts as representative of the nation, the imperial questions it discusses, and the certainty that no man can be prominent in its ranks without possessing exceptional gifts of ability or character. The principle applies in less degree to other governing bodies. Take, for instance, the School Board of the metropolis. If the original intention of the Act had been carried into effect, and a separate board been instituted for every district in London, would you have had the same class of men who were glad to come forward as candidates for a body controlling the education of three millions of people? The happy suggestion of Mr. Torrens has proved what may be done to elevate administration by the enlargement of local constituencies, and he deserves well of the whole country for compelling the adoption of this

admirable example. Let us take care that it is followed in sanitary matters. Let us judge for ourselves, and make the public understand, what must be the difference in all the qualities that go to make government efficient and pure, between the men who will serve on the thousand and more small administrative bodies it is proposed to constitute, and those who will compose the fifty or sixty assemblies regulating the counties of England.

The second advantage presented by large areas is the superior class of officials they are able to obtain. The wider the area the more important the work, and the higher the salary. Ambition and emolument alike attract to them the best men. In sanitary organization this is of peculiar importance, for success depends chiefly on the qualities of the health officer. Our Council have already published an earnest protest, which on their behalf I here repeat, against the idea of the Commissioners that duties requiring for their beneficial exercise much tact, prudence, matured judgment, and large experience, can, as a general rule, be safely entrusted to the inexperience of "young men entering on practice," by whom they would be discharged "only so long as they were acceptable, and then resigned to younger men, fresh from the schools." Such a proposition seems to imply a misconception, or rather a want of conception, as to the great science of preventive medicine, which, for the adequate mastery of its wide principles and multifarious details, requires the devotion of a life. An officer of health should be paid such a salary as will secure the services of trained intellect and high character; and, being thus remunerated, he should be rigorously debarred from private practice, not only that he may devote his whole time to the functions of his office, but that he may be free from personal influence in performing his duty. Such an officer can be obtained by counties, but seldom or never by unions. The rateable area of a county, supplemented as it would be by boroughs, which would unite with it for sanitary, as they do now for gaol and police purposes, can sustain a cost under which the union must break down. It is urged, indeed, that every union has a medical officer, and it is proposed to place the sanitary welfare of the country in his hands. We protest against such a system. No one has a higher sense of the services and merits of a body of men, signally underpaid for their work, denied the social recognition of enrolling them in the civil service of the Crown, and struggling manfully, in the great majority of cases, though beset with difficulties, to do their duty to the poor. But I cannot believe that these meritorious officials possess the qualifications necessary for

sanitary work. It is no blame to them that they have not been trained for duties which require, as our late colleague, Dr. Symonds, of Bristol, pointed out, very different acquirements from those which are successful in the treatment of sickness, nor is it easy to see how professional men, whose time and energies are absorbed in daily toil, are to qualify themselves by that "study of all sanitary questions" which the Commissioners recommend as desirable for medical officers of health. Granting them even the necessary qualifications, these Poor-Law practitioners are under the grave disability of private practice. On that important point I will content myself with quoting from a valuable minute issued by the General Board of Health, dated December 20, 1855, and signed by the Right Hon. William Cowper, President of the Board. The minute deals with the duties and qualifications of a medical officer of health, and says:—"It will be well to debar him from the private practice of his profession; first, because the claims of such practice would be constantly adverse to those of his public appointment, the duties of which (especially at the times of epidemic disease, when his official activity would be most needed) private practice could scarcely fail to interrupt and embarrass; secondly, because the personal relations of private practice might render it difficult for him to fulfil with impartiality his frequent functions of complainant; and thirdly, because, with a view to the cordial good-will and co-operation of his medical brethren, it is of paramount importance that the officer of health should not be their rival in practice, and that his opportunities of admonitory intercourse with sick families should not even be liable to abuse for the purposes of professional competition." Now, if this reasoning be sound, and much evidence has been collected both in our own country and on the Continent in its support, it follows that the poor-law practitioners, who depend on private practice for their livelihood, are not fitted for the functions of health officers. But I would not be supposed to argue that they may not be usefully employed in our sanitary organization. I believe, on the contrary, that they could render valuable aid as subordinates, with some small increase to their present meagre remuneration, under a highly-trained superior, such as a county administration would supply.

The third advantage derived from the adoption of large areas of administration would be the diminution of conflicting authorities, and of the delays and difficulties incident to the carrying out of joint works. It must be remembered that the boundaries of Poor-Law Unions were never adjusted with any view to sanitary purposes, and would frequently be found

singularly ill-adapted for such works as drainage and water supply. It would be difficult to overrate the obstacles to an adequate administration which will be raised by the multiplicity of sanitary districts advocated by the Commissioners. In fact, I believe their scheme could never work except under one condition, viz.—that local government should be granted in form and denied in reality; that the central office should interfere in every detail, and be absolute over all authority. If such be the object, the plan proposed is logical enough; small areas can be easily "managed," and small men readily coerced; important bodies, on the other hand, are apt to hold their own. The question rests with the country. Centralization is not popular, and it can hardly be made so by calling the machine of dictation a "Local Government Board."

The true remedy for this and other perils is to make the government of counties more extensive and complete. It is objected that the present system is not representative; and though this is not accurate, since the governing assemblies are really representative of their districts in the highest sense of the word, yet the time has probably come when an elective element should be introduced into the administration. What is most needed is that this should be done with the least possible disturbance of existing good. I believe that a far better plan than the creation of new "boards" would be found in the restoration, under forms adapted to modern life, of the ancient county court. That tribunal, which came down to us, as to other nations of Europe, from those masters of organization and government, the Romans of old, used to administer not only the civil and criminal justice but the finance and government of every county. No one would propose to revive it in its antique fashion, when every freeholder attended its councils, but a system of representation, fairly divided between the existing authority, the justices, and the local taxpayers, might reassume all or most of its former powers. Such a body might be trusted to levy taxation on a more equitable basis than the present rude injustice of mulcting one kind of property for the benefit of all. It would take the charge of all roads, and would probably absorb the functions of the smaller boroughs. It would administer the sanitary laws, through competent officials, over an extent of territory adequate to their due execution, and with an authority which no extraneous office would venture to impugn. Such a body might well relieve the Imperial Parliament of a portion of that local bill business, such as gas and water supply, which now weighs down its energies; and in Ireland it would remove all legitimate grounds for "Home Rule" agitation. More than all, such bodies would

perhaps be the best guarantee that the wit of man could devise for the perpetual preservation of liberties which may yet be endangered by anarchy. It is remarkable that the one country in Europe which has preserved in its entirety the ancient county organization is the one whose constitutional freedom has survived more disasters than any other. The history of the kingdom of Hungary, too little known to Englishmen, bears record of three periods when parliamentary government was submerged by war and despotism; and on each occasion it rose triumphant from the flood, because the national institutions were founded on local liberties which could not be rooted up. England has probably nothing to fear from individual tyranny; but unless the signs of the times mislead us, there is much to be dreaded in the future from the despotism of the mob. The avowed aim of the revolution now meditated by the fanatics of disorder is to crush out individual freedom as much as to abolish proprietary rights. The best bulwark against such a foe will be found in the power and stability that are native to local institutions. The brawlings and corruption of unqualified democracy have sickened the world, and sound government, the final end of all legislation, is to be found only where property and education have weighted the scale in favour of order and honesty.

I have dwelt at some length on this question of sanitary organization, not only on account of its intrinsic importance, affecting, as it does, in so large a degree the material prosperity of the people, but also because the report of our special committee on the subject has occupied much time and labour for months of this year. That document is before the public, and may be judged on its own merits, but I could not pass to another topic without acknowledging the services of Dr. Rumsey and Dr. Stewart. Nor can I refrain from expressing once more the sense entertained, I am sure, by the whole Council of the value of the volumes compiled by the Royal Sanitary Commission. Should the coming legislation go no further than their recommendations, as I sincerely trust it may, a great stride will have been taken in the path of sanitary improvement. Boards of guardians are by no means the bodies best adapted to the work, but I trust and believe they would effect much, though I wish them the better fortune of seclusion to their own legitimate and weighty occupation.

It is needless to say that the work in which they—the guardians of the poor—are engaged, has formed the subject of continual discussion in the Council. More than one special committee has reported to us at length on different portions of the question, but it is only as to one of them that I shall

venture to ask your attention, that of out-door relief. It is the one to which all others are subsidiary, for on its determination hangs the whole principle of the Poor-Law. Let us consider it for a moment in its historical aspect. Our Poor-Law system, as is well known, was founded on the Act of Elizabeth, and it has occasionally been asserted that the enactment of the statute was rendered necessary by the dissolution of monasteries. A more foolish figment was never invented, and it was long since exploded by proof that in Spain, where conventual institutions were sedulously preserved, a similar increase of vagrancy and want was observed at a corresponding date. It was then attempted to explain the coincidence by attributing the growth of pauperism to the rise in prices caused by the influx of the precious metals into Europe. But it may be observed that no class gains so much and loses so little by a fall in the value of money as the weekly wage class, because their income is the first to rise in proportion to price, and the demand for their labour is the soonest stimulated by the quickening of enterprise and trade. Of this we have had abundant evidence in the effects of the gold discoveries in our own day. It will be much nearer the truth to say that a Poor-Law became necessary, not because monasteries were abolished, but because they had previously existed. It was the vicious system of doles and indiscriminate charity, virtually a system of out-door relief, profusely administered by religious foundations in every city and county of the land, which bred those swarms of "sturdy beggars," and created that rush of pauperism which frightened our forefathers into stringent legislation. The sound principle laid down by the statute of Elizabeth was that relief was only to be obtained by equivalent labour, and that industry, not idleness, was the just object of protection. But as generations went on this principle was lamentably neglected, till the poor-rate came to be regarded as a fund on which improvidence and laziness might draw at pleasure. The flood of pauperism rose so high that it threatened to swamp the savings of industry. I heard Mr. Barwick Baker say not long since, at one of the conferences of guardians which, to the great advantage of the public, he originated and still conducts, that in 1831 the rates of a parish in which his property is situated had risen to 18*s.* in the 1*l.* on the actual value of the land. Once more roused by the imminence of its peril, the nation gave its assent to the new Poor-Law system, based on the workhouse test, as the absolute condition of relief. Had that salutary measure been unflinchingly applied, I venture to assert that we should not have been at this day debating on the causes of pauperism.

Pauperism would have been crushed out with a stern and wholesome hand, and the industrious and provident been relieved of a burden under which even the wealth of England is ready to stagger. But laxity of administration has once more been suffered to prevail, and once more the flood is rising round us. It is not, as is often most untruly said, that the new Poor-Law Act has failed, but that its vital principle has been abandoned. In-door maintenance was to be the rule, out-door relief the rare exception; but in many unions the principle has been reversed. I quote from a pamphlet by Captain Dashwood, of Kirklington, Oxfordshire, the figures of two unions, which deserve to be placed side by side that guardians may look on this picture and on that, and make choice between them. Atcham, in Shropshire, and Woodbridge, in Suffolk, are unions which differ only slightly in population and character, the former having a little under 20,000, and the latter rather more than 22,000 of agricultural inhabitants. Now, for the year ending Lady Day, 1869, Atcham paid 1512*l.* for in-door and 650*l.* for out-door paupers; Woodbridge 1476*l.* for in-door and 6099*l.* for out-door. On January 1, 1869, Atcham had 156 in-door paupers and 125 out-door; Woodbridge had 163 in-door and 1339 out-door. The proportion of paupers to population was in Atcham 1 in 68, in Woodbridge 1 in 15. The pecuniary results were that the cost of relief per head of population was for Atcham, 2*s.* 3*d.*, for Woodbridge, 6*s.* 7¾*d.* In the pound on the gross estimated rental, 3*d.* for Atcham, and 1*s.* 0¾*d.* for Woodbridge; per acre, Atcham 4¼*d.*, Woodbridge 1*s.* 10*d.*; and the out relief alone per acre was for Atcham 1¼*d.*, and for Woodbridge 1*s.* 5¾*d.* These figures may sound dry, but consider what they mean. In the one case property grievously burdened, improvidence helped to perpetuate itself, the creation of a herd of paupers, miserable themselves, and handing down misery to their children. In the other, industry encouraged, capital relieved, and the prosperous happiness of self-reliance spread among the people. And why this last result? Why, because under the advice of the late Sir Baldwin Leighton, chairman of the Atcham Union, out-door relief had for years been refused with merciful severity.

If you want an example on a wider scale, let me point to Ireland. That country was once the breeding-ground of a nation of paupers. A stern remedy was necessary, and the Irish Poor-Law administration, as it now exists, was created. That administration had for many years the inestimable advantage of the guidance of sound political economists—Whateley, Senior, Macdonnell—men who were clear-sighted

because they were scientific, and who set themselves to eradicate the chief of Ireland's many curses, its mendicant pauperism. Under a rigid discouragement of out-door relief (I know that at one time there were less than 1000 out-door paupers in the whole of the island), such an increase of self-dependence was brought about that the proportion of paupers to the population sank to 1 in 115. It has since, owing to some regrettable laxity which has crept into the system, risen to 1 in 85; but even this higher rate, as you will observe, is considerably more favourable than that of Atcham, and is nearly six times better than that of Woodbridge. If Ireland, for the first time in her history, can now see a future of industrial prosperity—if those peasants who were "hereditary bondsmen" in a far different sense to that of O'Connell—the born thralls of improvidence and misery—are now rising out of their natural and inherited habits, it is mainly owing to the operation of the Irish Poor-Law.

But then such a system is said to be "hard;" it is called "cruel" to compel a man who is out of work or in sickness, having made no provision in his better days for the exigency, to enter the house as the condition of relief. All beneficent laws press severely in some individual cases, and it is probable that a rigid rule of in-door relief may occasionally work hardly. But we must remember that though hard to a few, it is just and merciful to the many. It is not hard on the ratepayers who, as the producing part of the community, have a claim to the first consideration. It is sometimes, indeed, objected that the taking of a whole family into the house, when a little help, as it is termed, would keep them outside, is uneconomical. I should doubt the accuracy of these cases, but taking them as true, what if the compulsory entry of one family into the house keeps three others off the rates; is that uneconomical? Nor is it really hard on the people themselves who are the subjects of such a rule. It never can be anything but kindness to force on a man the blessing of self-exertion; and all who have administered the Poor-Law must know the fatal readiness with which those hovering on the brink of pauperism believe that they cannot earn a living, and the marvellous way in which, if the test be firmly applied, the means of subsistence will be found somehow. Nor, again, let it be forgotten that the fewer paupers there are to keep, the greater the wage fund to be distributed among industrious workmen. Every shilling eaten up by the rates is so much substracted from the prosperity of the weekly wage class. Could we do no more than raise all the unions in England to the level of the highest, an enormous increment to the national

wealth, happiness, and self-respect would ensue. Is it any answer to such facts to favour us with a weak drivel on charity?

There is another class of the population who are a dead weight on industry, the criminals; and this Association has never ceased to direct its attention to the best means for the repression of crime. I have dwelt on this subject at such length on former occasions, that I now say nothing more than that the Council has been vigilant in regard to it during the past session, and that it was chiefly owing to our representations that the "Prevention of Crimes Act, 1871," has passed in a much more satisfactory shape than was at first anticipated. The system of monthly reporting to the police, and of a notification of every change of residence, by convicts on license and all criminals under sentence of supervision, has been established, and will no doubt be rigidly enforced. The various questions relating to prison discipline and crime will be discussed at length in our Reformatory Section, as a useful prelude to the International Prison Conference which will assemble next year in London. The conference was originated in the United States of America, and Dr. Wines, the Government Commissioner from that country for the purpose, is present at this Congress. As President of your Council, I may be permitted to assure him that every aid which this Association can give to the success of the undertaking will be cheerfully afforded to himself and his colleagues.

In conclusion, let me urge the necessity of cultivating a scientific spirit in dealing with social questions. Wanting that, we are like a ship adrift at sea without a rudder. Science, which in all the ramifications of its pursuits means the reduction of knowledge to accurate form, is the peculiar safety of the legislator, pushed on as he is by blind impulses, and shackled by conflicting interests and the jar of faction. Its value to mankind is well attested by the virulence it awakes in opposite quarters. Science is honoured by the hate alike of those who would return to mediæval superstition, and of the party, not less fanatical, who would submerge civilisation in a sea of blood. It is, in truth, vituperated by all who find the reality of facts inconveniently in their way. Thus it is the fashion of some, as I have shown in regard to the Poor-Law, to call political economy hard. They speak of it as if it were an active agent in the injuries they suffer or fancy. A few years ago some London workmen, when warned of the unwisdom of their proceedings, replied—"If political economy be against us, we will be against political economy." As well might a man exclaim, who had fallen from a ladder and broken

his leg—"If the law of gravitation be against me, I will be against the law of gravitation." Political economy, like astronomy or chemistry, or any other science, does not create facts, but expounds them. In that sense political economy may be hard, for it tells us of hard facts, of realities which nothing can disannul. It is, in truth, chiefly the rules of common sense and of business experience applied to communities of mankind. Nothing can prevent individuals who are thoughtful and industrious getting the better of the improvident and idle; and nothing ought to prevent it. Nor can anything hinder a nation or a society, wise enough to obey the laws of nature in their trade, from becoming more prosperous than those who hamper the growth of their own success by artificial restrictions. Political economy explains these things, and teaches what disasters will follow the defiance of natural principles; but the disasters are not therefore its creation. It is the Communist dream that they can abolish the forces of civilization by substituting an automatic society for individual impulse and invention. Do they really believe that the course of the world can be turned back—that man can ever retrogade to the level of instinct, having tasted the prerogative of free will?

> What, can ye lull the winged winds asleep,
> Arrest the rolling world, or chain the deep? *

The human mind cannot be shackled thus. We are not "magnetic mockeries," but spiritual men, and our destiny is rather towards a more expanded and more tolerant civilization. But to make that progress secure, the idea of individual right and equal justice to all must be supreme.

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* Campbell's *Pleasures of Hope*.

SELECT PAPERS,

NOTICES OF PAPERS,

DISCUSSIONS,

ETC., ETC.

JURISPRUDENCE

AND

AMENDMENT OF THE LAW.

MUNICIPAL LAW SECTION.

LEGAL EDUCATION.*

What steps ought to be taken to establish a better System of Legal Education? By W. A. JEVONS.

IF the facts of the case were not so well known it would have been difficult to conceive the possibility of the existing and recently past state of things, as to the provisions for the education of what is called one of the learned professions. I say the recently past state of things, because the attention that has of late years been called to the matter has led to some partial improvements.

What we may, perhaps, call the normal position of legal education was its state as it existed after the Inns of Court had ceased to be schools of law, and before the institution of the Council of Legal Education and the Incorporated Law Society. There were then in the metropolis, which has always been, and necessarily will be, the chief seat of legal study, no public provisions for legal education at all. The Inns of Court were no doubt originally really law schools, and law was there publicly taught by readings and disputations, though probably not by what we call lectures. The functions of the Inns as law schools, however, gradually fell into neglect and desuetude, until at the time I speak of there was no general or public teaching of law whatever in the metropolis. The barrister obtained his formal qualification to practise, by obtaining admission to one of the Inns of Court, and by keeping a certain number of terms, that is by dining a certain number of times in each term in the hall of the Inn. There was no requirement of study and no examination test. The student was supposed to obtain his knowledge of the law, by becoming the pupil of a practising barrister, and from books. The attorney or solicitor obtained his formal qualification to practise by the service of an apprenticeship of five years to some other attorney or solicitor, and was supposed to

* See *Transactions*, 1858, p. 122.

obtain his knowledge of law and practice, by assisting his master in the capacity of a clerk, but there was in his case also no practical test of knowledge.

There were certain books which it was supposed to be necessary for the student to make himself master of, and which, no doubt, were mastered by all students of ability who aspired to make themselves really acquainted with their profession, but the list of such books was comparatively small, and with few exceptions they were not framed so as to attract the student, or to facilitate his acquiring the requisite knowledge by any scientific treatment, or even by a scientific arrangement of the subjects treated of. There was also little or nothing to guide the student in his choice of books. "Blackstone's Commentaries" was generally understood to be the first book to be read, but after that the student was practically left to his own selection, or to the advice of friends. The study of books was, however, regarded rather as a proper accompaniment of the experience to be gained by observation of actual practice, than as a preparation to enable the student to benefit by the business he saw. In most cases the course was simply to throw the student at once into the practical work of the profession, and to let him pick up his knowledge as he went on. In a pleader's chambers the beginner had at once laid before him instructions for pleadings, and if in the hands of a teacher who had the time to do justice to his pupils, was perhaps referred to the cases which would (if he could understand them) guide him in the course to be pursued in drawing the pleadings or advising.

In the Conveyancers and Equity Draftsmen's Chambers the process of legal education was similar. From the greater wealth of our legal literature in conveyancing works, and the more technical and scientific character of our real property law, the pupil of the conveyancer would get more guidance from treatises, than the pupil of the common lawyer, or Equity Draftsman, but the essential character of the process of instruction was the same. The ladder of legal learning had to be mounted not at the bottom but at the top. The law was to be learned in its application to individual cases, before any foundation of legal principles was laid, and even so learned, it had to be acquired without anything like direct teaching. No doubt law, by which I mean law as it exists, the English or any other positive system of law, may be so acquired, as has been proved in practice and when so acquired is very firmly learned.

The articled clerk of an attorney was even worse off than the pupil of a barrister, and was usually at first occupied in mere copying, for the sufficient reason that there was nothing else which he was competent to do. He was probably recommended to read Blackstone's Commentaries, but his master would not have time to direct his reading or to solve his difficulties, and having himself acquired his knowledge of law in a similar manner he would not recognize that any assistance on his part was due to his pupil, nor, if he did so, was he qualified to render it.

What I have thus attempted to sketch, is the present system at its lowest point. From that lowest and worst stage there has been undoubtedly some improvement. The Council of Legal Education has come into existence, and has instituted law lectures and readerships for the assistance of students for the Bar. The Incorporated Law Society of the United Kingdom has also been formed, and has by the assistance of legislation established examinations for attorneys, and has also established some courses of lectures for articled clerks. The lectures themselves, both of the Council of Legal Education and of the Incorporated Law Society, are, however, not sufficiently numerous nor is there a sufficient staff of lecturers to present to the student anything like a complete curriculum of legal study. The lecturers are obliged rather to select a few out of the many subjects on which a lecture might be useful, than to attempt even in the most elementary way, to cover the whole ground of law studies. Law books also are improved, and there are certainly now many treatises on various branches of the law much better than those which were open to the student twenty or thirty years ago.

Without, however, in the slightest degree, undervaluing the assistance that is thus given by lectures and improved books, the result is that the state of legal education, such as I have described it, at what I have selected as the lowest point of the scale, is still substantially the present system. Law is still substantially learned by attention to actual practice. Attendance at lectures is purely voluntary, and is practised only by a small minority of the students. As to the Bar, there are still no means taken to insure that the teaching, such as it is, is attended to, as, although there is nominally an examination, submission to be examined may be dispensed with either by attending lectures, or by becoming a pupil of a barrister, and in either case without any guarantee for real study.

As to attorneys there is however, apparently, a very complete system of examination. A preliminary examination on general knowledge, an intermediate examination on law, and a pass examination on law. These examinations are conducted by the Council of the Incorporated Law Society, assisted by some of the masters of the Common Law Courts. The council of the Society are taken from amongst the leading attorneys. It is a numerous body and the members take the position of examiners in rotation. Even if the present generation of lawyers had all been educated in a thorough and scientific manner, it is not, however, among the senior members of any branch of the profession, whose time and thoughts are taken up by the exigencies of actual practice, that we should really seek for the best examiners of students. Nor, however well qualified were the examiners individually, is it possible that they should efficiently discharge their duties if they are frequently changed, and act independently of each other, with no common system of framing their questions, and no common agreement on the standard of acquirements to be required. These examinations therefore, though they afford some test of the practical knowledge of attorneys, and have undoubtedly

done much to raise the character of that branch of the profession, afford no guarantee for the scientific study of the law. The present system of legal education in England may, therefore, be said to be—permission to the student to commence actual practice and to learn from it what he can, the private reading of the student himself, the permission to attend certain courses of lectures, together with, in the case of attorneys, two examinations of an imperfect character.

The question before us is how far this system is satisfactory, and if not satisfactory, what should be substituted for it.

The present system is sometimes defended upon the ground of its practical success, namely, that it has produced eminent lawyers, and also that the end of law being the administration of justice, that that must necessarily be a good system, which has produced an administration of justice so pure as that of England.

The answer to this is, that, however eminent English lawyers have been and are, they would as a body have been more eminent had they been educated on a better and more enlarged system; and of how many English lawyers can it be said that their acquirements out of the range of the law of their own country, and indeed out of the range of that particular branch of the law of their own country to which they have devoted themselves, are all that they should be, are all that a wider cultivation and a more scientific system of teaching might have made them.

Whatever opinion, however, may be held as to the effect of an improved system of legal education on the highest minds amongst our lawyers, we must consider the wants not only of the leaders, but also those of the rank and file of the profession.

We have a most complicated and difficult system of law to teach, and we ought to endeavour to teach it in the easiest and best manner. We may go further, and say that we have now two difficult and complicated systems of law to teach, so difficult that few but the master minds of the profession ever succeed in getting even a tolerable acquaintance with both of them. These two systems, if the recommendations of a Royal Commission now sitting are adopted, are about to be fused, so that both sets of rights and remedies may be recognized and administered by the same courts. This step when taken must at once make it necessary that practitioners should be acquainted with both branches of the law; therefore, even supposing the existing means of legal education to be sufficient for the instruction of lawyers who are only required to practise in one branch of the law, inasmuch as we are now about to require them to be equally well qualified in two, we ought surely to proceed, and that without delay, to lessen as much as possible all the difficulties in the way of acquiring a knowledge of both.

There is, however, another effect of our present system of teaching the law, which it is necessary to consider.

The student beginning to learn his profession from decided cases, and not from theoretical books or oral teaching, the first idea that he acquires, is that there is nothing fixed or certain, unless the

precise point or some analogous one has been before decided. If he can find no case upon the subject before him, he is at sea. The same feeling follows him into the practice of his profession. If he has to argue a case, or afterwards, as a judge, to decide one, he argues or decides upon the authority of previous cases, and rarely upon principle. If he becomes a writer of treatises on any branch of the law, he still follows the same bent of mind, his book is in most cases very little better than a sort of index to the reports on a particular branch of law, and but seldom, and then with great caution, does he attempt to follow out any particular case, so as to show the principle involved in it, to follow out that principle to its legitimate conclusions, and to apply it to other cases not yet dealt with by the courts. If the existing cases are well arranged in the logical order of the doctrines to be deduced from them, so as to facilitate the memory in recollecting the decisions, it is as much as we are entitled to expect—To mount from the known to the unknown, is a thing seldom or never attempted.

When the lawyer becomes a judge, he is, of course, occasionally obliged to trench upon new ground, but it is no disrespect to the Bench to say that the previous training their minds have gone through in the study and practice of their profession, has been such, that it would be marvellous indeed if they generally proved well qualified to deal with new cases where principle only could be their guide, or even to distinguish amongst old cases, not easily reconcileable, those which were founded on sound principle from those into which erroneous principles had crept. The consequence has been that by insensible degrees a train of successive decisions, each professing to be founded on those that have gone before it, has occasionally brought us to a result contrary, not only to justice and public convenience, but even to known and admitted principles of law; so strict, however, is the bondage of the system of proceeding on decided cases, that the courts are, or profess to be, unable to retrace their steps on a course found and admitted to be wrong, and the Legislature has to step in to their assistance.

There is still another point from which it is necessary to regard the imperfections of the present system, namely, the want of any adequate training in legal knowledge for those persons who, though they do not intend to practise the law as a profession, yet require some general acquaintance with its principles for the proper discharge of their public duties. I refer to magistrates, members of Parliament, consular officers, persons in the diplomatic service and others.

It is impossible to expect such persons to study the law on the present system, nor would the partial acquaintance they would get with some particular branches of law, by a short time spent in the chambers of a practitioner, but not followed up by the subsequent training of actual practice, be of much use to them. The only mode in which persons not intending to be practitioners could devote the time they would be likely to devote to the study of the law, with

practically universal, but I have reluctantly come to the conclusion that it is not desirable, in the first instance, at all events, that such a requirement should be made.

With regard to barristers, probably no great inconvenience would result from requiring their personal attendance and study at the schools, but with regard to attorneys the case is somewhat different. The great majority of attorneys reside in the provinces, and I find, on inquiry, that not more than one-third of the articled clerks coming up to London from the country to pass their examination, have spent any period of study in London prior to such examination. It would therefore, apparently, be a harsh proceeding to compel all country students intended for the profession of attorneys to study at the proposed schools.

It is to be remembered that even if study at the law schools is not made essential, yet the test examinations will be founded on the same scheme of study as is established in the schools, so that to dispense with attendance on the lectures, will not be to dispense with the knowledge that can be most readily and easily acquired at those lectures, but simply to permit those whose means do not allow them to attend lectures in London to obtain the *imprimatur* of the University, if their diligence enables them to attain the same amount of knowledge in any other way.

One important point to consider is, how the examinations that are to be the test of competency to practise are to be conducted.

In the proposals of the Legal Education Association, as well as in the resolution of Sir Roundell Palmer, it is assumed that these examinations are to be conducted by the same body that conducts the teaching. It does not, however, appear desirable that the teachers and the examiners should be the same persons. It is just that a teacher should be the person to test for merely academic purposes, the degree of attention which a pupil has paid to his lectures, but an examination intended to test general acquirements in a particular subject, especially where such test is needed for public purposes, should be a test of the teacher, as well as of the pupil. It would not be difficult, however, to devise a mode in which such a board of examiners as would command the confidence of the public might be appointed. The senate or governing body of the University might properly have the appointment of part of them, subject to the condition that the examiners should none of them be professors or teachers in the schools, and the appointment of the others might be vested in the Crown.

With regard to the nature and number of the examinations, there should be a first or preliminary examination in general knowledge, not as a condition of admittance to the teaching of the schools, but as a condition of admittance to the subsequent pass examination. It is obviously impossible to specify precisely the degree of acquirements that should be requisite to pass this examination, but it would probably be sufficient for the purpose, if it was of about the same character as the University middle class examinations, and the

passing of those examinations, and also the passing the matriculation examination, or taking a degree at any university, should supersede the necessity of passing such preliminary examination. There should also be an intermediate examination to test the progress of the students, and to prevent, as far as possible, a system of cramming for the final examination. Where a student had taken a law degree at any other university, this examination might safely be dispensed with. There should finally be a pass examination. The question then arises whether there should be more than one, or only one, pass examination, that is, whether there should be more than one rank or grade of certificated students or graduates.

On this point it might, perhaps, be contended that as the judges and superior law officers are taken from the Bar, the permission to practise at the Bar should require a higher test of qualification than the permission to practise as an attorney or solicitor. It may also be argued, and with some degree of force, that if one pass examination, and one pass examination only, is required, it would be either too severe a test for some members of the one branch of the profession, or no sufficient test at all for the other.

On this point, however, it is well to ascertain what are the opinions of the profession itself. The point chiefly concerns attorneys and solicitors, as it may be at once conceded, that if there is to be only one test examination, it must be a thorough and complete test of legal acquirements in every branch of law, with which it is desired that students should be acquainted.

The Incorporated Law Society of the United Kingdom has generally been treated as a sort of representative society of attorneys, and the subject of the proposed Law University has been fully and repeatedly discussed both by the council of that body, and by the members at three general meetings, and the result has been that a practically unanimous opinion has been expressed both by the council and the members in general meeting, that the examination for qualification to practise as an attorney should be the same as, and not inferior to, the examination for qualification to practise at the Bar.

Indeed, the resolutions of the general meetings of the Society go even further than that, and point to the choice of the branch of the profession to which the student will devote himself, being made after, and not before, the close of the period of study. This, of course, involves the surrender of the practice of articles or apprenticeship, and, considering what a considerable emolument accrues to attorneys, from the fees paid by articled clerks, a great portion of which would probably be diverted to members of the Bar by the abolition of articles, such a resolution may fairly be considered as a very remarkable sign of the opinion of that branch of the profession.

The question, however, of one or more examinations, is to some degree involved in another question, namely, that of whether the new school should have power to grant degrees in law. An objection has been raised to their having such a power on the ground that a school or college for one special subject has no claim to be called a

university, and moreover that a degree though granted in special subjects implies general academic training.

It is not essential for the objects for which the establishment of law schools, and a test examination, are here advocated, that the examining body should have power to confer degrees, and therefore as there is much to be done yet, before this desirable reform can be accomplished, it will be well not to confound the essentials of the proposals with adjuncts which may be dispensed with.

If the proposed institution had the power of granting degrees, it by no means follows that the pass examination for liberty to practise, and the pass examination for the degree, should be the same. The degree might be the badge of a superior degree of knowledge. There would be this advantage in the power of granting legal degrees vested in a responsible public board, namely, that the holding of such degrees (though not made the necessary condition of the mere right to practise) might be advantageously made the condition of eligibility to certain public offices of a legal or judicial character. This would be both a better guarantee for sufficient knowledge than we now possess, and would be a great stimulus to legal studies of an advanced character. This course was substantially recommended by the House of Commons Committee of 1846.

It would lead me to transgress the limits of this paper, were I to go in detail into the subjects to be taught in public law schools. Clearly the instruction should not be confined to English law, but should embrace jurisprudence, and the most valuable contributions to a knowledge of jurisprudence, namely the systems of law of other countries, ancient and modern, to which should be added International Law. The extent to which studies outside the knowledge of English law as it is, and the history of English law, should be imposed as conditions of liberty to practise, is a question of practical detail which it is impossible fully to deal with at this time and place. I think, however, it may be affirmed, that the study of the civil law, and of jurisprudence, which cannot be beneficially studied without some knowledge of foreign systems of law, and of the history of law, should *to some extent* form a necessary part of the education of every lawyer.

When, however, we consider the extent of the field of study that is thus opened to our view, and when we further take into consideration the exigencies of our extensive empire, and the peculiar knowledge required by those who have to administer the laws of colonial dependencies, which include almost every system of law known to the modern world, it is obvious that a legal university adequate to the demands of the metropolis of the empire must include some subjects of study which it would not be necessary for every English practitioner to be acquainted with, and must push the instruction on many subjects of study to an extent not requisite for every student.

As to the mode of instruction in the proposed university, it must by no means be concluded that because a systematic mode of teaching and studying the law, and an extension of the subjects required

to be studied is advocated, and because the defects of mere unguided private reading, and of learning solely from actual practice, are strongly dwelt upon, that I would propose to substitute a system of teaching by lectures, or oral instruction, alone, for the present system. The reverse of wrong is not right, nor would I for a moment contend that any of the present teaching, whether by private reading or by practical experience in the chambers of a barrister or attorney, is needless or should be omitted in the education of the lawyers of the future. Law is, to a great extent, a practical science, and lawyers have to deal with men—their complicated transactions—their prejudices—their ignorance—and their passions, and a mere student of lectures and books would be utterly abroad if he were to be at once brought in contact with the exigencies of the daily practice either of the advocate or the attorney. Nothing, therefore, can or ought to dispense with the practical training of lawyers by experience, whilst in a state of pupilage, of the actual business transacted by lawyers. Nor do I believe that the amount of experience of actual business now thought necessary for the student can in reality be much reduced. What is wanted is, that the student should be better prepared to benefit by the observation of the actual practice that he sees. At present, much of the time spent in chambers or offices is wasted for want of the necessary preliminary knowledge.

Whilst therefore hoping that the mere apprenticeship qualification of attorneys will be abolished, I think that both barristers and attorneys should be required, in addition to the examination test, to give proof of actual study of practice in the chambers of a barrister, or the office of an attorney, or both. Lectures also will not only be no substitute for experience of actual practice, but also will be no substitute for private reading. Indeed, in many cases, useful lectures will be rather a guide to the student in his reading, than a substitute for it. Even oral teaching in the proposed university may not necessarily be confined to lectures addressed to large audiences; probably a more private system of teaching, somewhat analogous to the tutorial system of the old English Universities, may be advantageously mingled with it. In short, what the Law University should do would be not to substitute something else for the present system of learning the law, but to add something to it, by which not only a wider scope of instruction should be attained, but the present system of teaching and learning should be better utilised.

In what order of time the various parts of the proposed new system should be taken must be left to a great degree to individual judgment and to experience.

With regard to the mode of supporting the University, I can see no difficulty whatever in making it self-supporting. In the London colleges, and the medical schools, the yearly fees payable by each student are not less than from twenty-one to twenty-five guineas a session, and fees of about that amount, or not much exceeding it, would be amply sufficient to support a Law University.

I regret very much that the necessary limit of a paper read before

this Association prevents me from going more into detail on many subjects connected with the working of the Law University whose establishment I advocate, and likewise from pointing out some indirect advantages that would, in my opinion, result from it. All that time has permitted me to do is to point out the serious evils of the present system, to advocate the formation of a metropolitan law school, with control over the right of practising the profession, as their remedy, and to deal with a few of the more prominent questions affecting the constitution of such a school as I propose.

Mr. THOMAS MARSHALL next read a "Sketch of the Early History of Legal Practitioners, and of the Inns of Court of Chancery."* The subdivision of legal labour, he said, which prevails at the present day, is the result of a growth of several ages. In England, in the 10th and 11th centuries, personal property was almost unknown, the title to real property was eminently insecure, and the preservation even of life and liberty was a task which the law was unable to perform. Under these circumstances, evidence is scarcely needed to prove that legal organization must have been extremely simple. A distinction of duties, familiar to us, but which is rendered necessary only by the wants of an artificial system, must necessarily have been unknown under the operation of a system marked by its simplicity. That this was so is clear from direct testimony. Legislative and judicial functions, now so jealously separated, were then constantly united. The litigant party discharged the various duties of attorney, pleader, and counsel. Nor was it optional with him so to do. "By the policy of the Common Law," says Coke,† "*cum lites potius restringendæ sunt quam laxandæ*, both plaintiff and defendant, demandant and tenant, in all actions—real, personal, and mixt—did appear in person." Whatever we may think of the reason, we can have no difficulty in accepting the fact. It is a course of procedure certain to obtain among a people who have not yet acquired an artificial system of legal procedure.

Mr. Marshall gave a sketch of the history of legal practitioners in England down to the close of the 15th century, the period when modern history begins. He summed up the general conclusions and results as follows :—

We have seen that the old Common Law rule required the parties to actions to appear in person; that this rule was modified, first through the exercise of the Royal prerogative, by granting letters of attorney; and second, through the exercise of judicial discretion, by the permission to appoint a *responsalis*, or special and limited agent. The supremacy gradually acquired by the law in the 13th century, together with the artificial character of its rules, made litigants more and more dependent on professional aid. Some readier

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* Published separately by C. Goodall, Leeds. † 1 Inst., 429.

mode of securing such aid than a writ out of Chancery was demanded, and this was given by the Statute of Merton, the Statute of Westminster the First, and the Statute of Westminster the Second. These Statutes enabled attorneys to be appointed as occasion required, without formality and without expense; and they led, as Lord Coke remarks, to the complete disuse of the agent formerly known as *responsalis*. It was soon found necessary to impose some test of efficiency on those upon whom the conduct of legal proceedings in fact devolved, and this was done by the precept of the 20th year of Edward I. Up to this time the litigant party—or some one in his stead, and directly representing him—is the only non-judicial person of whom we have cognisance. But in the latter half of the 13th century we became acquainted with two other classes of practitioners—serjeants and apprentices—an order of men who made a systematic study of the law, with a view to its higher appointments, and from whom the Bench was constantly recruited. But it was only after a long pupillage that the apprentice or learner was qualified to become a serjeant or minister. During his apprenticeship he did not, it would seem, take equal rank with the attorney, although a competitor with him for business in the local Courts. The 14th century removed the disability which still pressed upon defendants in certain real actions of appearing by attorney. From that time, as regards civil suits, the right of every one to appear by agent was fully established. Nor was this right confined to the inferior and local jurisdictions. Attorneys were heard before each of the three branches of the King's Court at Westminster, as well as in the towns where the Justices held the Assize. What they gained in one direction they seem, however, to have lost in another. Their old monopoly was gone. Apprentices had found practising more profitable than learning, and had begun to compete with attorneys for the regular business in Court.

It was not until the 15th century that any direct means were taken for securing the efficiency and good conduct of practitioners. That such provisions should have been called for, and that they should have been confined to attorneys, indicates the increase of that class, and shows that they still absorbed a very large portion of the business of the country. For the distinction between ascertaining facts and law out of Court, and stating facts and law in Court, was not then insisted upon. It was permitted to the same man to learn his case by conference with his client, and to expound it when he had learned it. We find, indeed, new names, or rather the revival and redistribution of old ones—*consiliarii, homines legis, homines curiæ legis*—as well as attorneys and apprentices; and it is probable that those names were coined for the sake of clearness, and that they imply some difference in the persons denoted. Whatever the difference may have been, it was not the difference which at present prevails between counsel and attorney. For the most distinguished counsel of the reign of Henry VI.—men like Yelverton and Paston—transacted business with which no modern barrister would be

permitted to interfere; and in the counties—if not in London—attorneys had still an audience before the King's Justices. Such was the distribution of legal business at the close of the Middle Age.

Mr. Marshall then proceeded to give an outline of the history of the Inns of Court and Chancery during the Middle Age. Of their rules and constitution during that period, he said, we know nothing, nor can we do more than guess at the manner in which they satisfied the wants of their members. But if we look to the necessities of the time which gave them birth—to the number of analogous institutions throughout Europe, and take into account their popularity, and the favour with which they were regarded by the patrons of the Common Law—we may infer that in that early age they performed some useful function. Our knowledge, however, scanty as it is, enables us to speak with tolerable confidence on one or two points. It is not to be doubted that all the existing Inns of Court and Chancery were founded for the common benefit of the legal profession; for during the whole range of time which extends from the reign of Henry III. to the reign of Henry VI., and which covers the establishment of these societies, there was no line of demarcation between the several practitioners of the law. The attorneys, pleaders, and apprentices of Edward III.'s time were the common class by whom and for whose benefit the legal colleges of the 14th century were set up, and for whose benefit alone any institution of a like nature could have been designed. The counsel, men of the law, and attorneys of Henry VI.'s time—each of whom discharged duties connected then, but now separated—constituted that numerous membership of which Fortescue speaks with so much pride. It was by the joint contributions of these persons—the students, practisers, and professors of the laws of England—that the houses were supported, the rents paid, and that the societies were enabled to continue their existence for so many ages, and to establish a claim—founded on the fact of long continued existence—upon the liberality of the Earl of Lincoln, Henry VIII., and James I. Whatever else is doubtful, this is clear; so that the absolute exclusion of seven-eighths of the profession at the present day from these Inns, by whatever else recommended, cannot be defended on the plea of "the true, ancient, and laudable government" of the societies in question. Little less doubtful is it that these Inns were established—in part, at least—for educational purposes. The time and circumstances of their origin point to this as one of their objects. On that ground only could the ancient city schools of law have been suppressed. Nor is the absence of an endowment against this view. In the time of Henry VIII., when books began to be more common, complaints were heard that "there is no lands nor revenue belonging to the house whereby any learner might be holpen to study by means of some yearly stipend or salary; which is the occasion that many a good wit, for lack of exhibition, is compelled to forsake study before he have any perfyt knowledge in the lawe, and fall to practising, and become a typler in the lawe;" but in the 13th century those aids were not necessary, and, indeed,

not usual. A reader and a text-book formed the educational appliances of that age. It is for the governing body of the Inns of Court to consider how far, as regards professional education, they have adapted their large resources to the altered circumstances of the present day.

Mr. Edmund Robertson read a paper on the same special question. He said the interest at present taken in this question, and the larger acquaintance with the present system which the public have acquired, render it possible to abandon the practice of making out a case for the necessity of reform, and to proceed at once to the discussion of the single scheme which has come prominently before the country—that of Sir Roundell Palmer. The chief objection to this scheme is its want of completeness. It aims at a reform of the Inns of Court rather than of legal education, and takes no account of the educational resources of the Universities. The use of the name university is also to be condemned. It involves the anomaly of a university with only one faculty; and the proposed degrees are simply a confusion of educational and professional status which carries with it no useful consequence whatever. The privileges to be bestowed on the new institutions will weaken one of the arms of our university system, and will probably induce many people to accept the training of the legal university as a substitute both for the old university and for whatever professional training at present exists. And there will be no corresponding advantage; a real university in a large town is comparatively powerless in its influence over the character and culture of its members; and what can be expected of a mere set of lectures and examinations set up in the heart of London? Assuming as essential to all schemes of reform the establishment of a real system of education in the Inns of Court, then arises the problem how to reconcile the Universities and the Inns of Court. The Inns of Court ought not to be asked to give up their right of testing for themselves the qualification of candidates for the Bar, but at the same time, the study of law in the universities must be made to acquire some appreciable professional value. The present time is favourable for the attempt; for legal education in the universities—or at least in Oxford—is in process of being reformed, and there are indications that we are now entering upon a period of special studies. At present the University can do nothing for legal education, while there are at any given time a thousand youths whose studies are a mere continuation of the frivolities of a public school. Many of these men must in the course of nature go to the Bar, and a well-contrived system of legal study, in place of the barren work to which they are now condemned, would simply be salvation. But this legal study must, in order to be successful, be supported by professional recognition. On what principles, then, ought this recognition to be granted? He would propose that there should be two examinations for the Bar which all entrants should be required to pass, instead of one sham examination, which it is counted rather disreputable than otherwise to pass. The

first examination should embrace the more general and unprofessional subjects of legal study, and might be divided thus:—General Jurisprudence, International Law, Constitutional Law, and Elementary English Law. These subjects are peculiarly fitted for university teaching, and a university degree in law ought to be accepted by the Inns of Court as equivalent to their own examination. The second division of legal studies should be confined to the purely technical and professional subjects, and over this he would give the Inns of Court complete control. This scheme involves the substitution of law for the elementary Latin and Greek of the ordinary passman, and if Latin and Greek are still to be required in the university, it will throw upon the public schools the responsibility of the work which they have hitherto neglected. It will be more difficult to make the study of the law compatible with a course of reading for honours, but—in Oxford at least—the growing tendency to special studies will be in our favour. It will probably be found necessary in this, as in other studies, to break up the English college system and assimilate our university teaching to the popular lectures of Scotch and German professors. The practice of reading in chambers may, and probably will, still be continued, with this difference, that the barrister will be free from the suspicion of conniving at the systematic deception by which many of his pupils contrive to get called to the Bar. To settle details, a commission, representing the universities and the profession, would be the best means; Parliamentary legislation on such a subject would probably be a medley of inconsistent compromises. To sum up, the principles advocated are the following:—(1.) The name (and whatever meaning attaches thereto) of a legal university should be struck out of the scheme. (2.) The universities should be brought into working union with the Inns of Court; the latter being entrusted with the general or philosophical, the former with the technical or professional, part of legal education. (3.) Law must be introduced as a special study in the universities for pass as well as for honour degrees. It ought never to be forgotten, in speaking of legal education, that there are certain subjects (such as general jurisprudence) which ought to form part of the training of every educated lawyer, and which can nowhere be so effectively taught as in the university. To encourage university education, without excluding those who cannot afford it, should be the object of every law reformer.

DISCUSSION.

Mr. THOMAS WEBSTER, Q.C., F.R.S., having had ten years' residence at Cambridge, and nearly thirty years' practice at the Bar, considered Mr. Robertson's notion of practical law teaching at the Universities a chimera. He concurred in the expediency of facilitating the study of law there, but could not see the possibility or desirability of a union between the Inns of Court and the Universities. He saw no objection to the term, "University of law," but Sir Roundell Palmer's supporters would be equally satisfied with the title of law school. At present there

was no proper education for the Bar. There ought to be a common education for both branches of the legal profession, but this could not be effected at the Universities, where the great prizes must always be given to classics or mathematics. Nothing could compare with those studies as a training for future life for particular classes of minds, though, looking to the practical ends of life, he should give the preference to the sciences, physical and applied. Lectures, or a university education, could not make a lawyer, but he should wish to see law classes at all the Universities, like those at University College and King's College. After going through the University curriculum there would be ample time for the study of law. It would be unfair to make the examinations for admission to the Bar compulsory, as long as no system of instruction was provided for candidates. Lectures would stimulate inquiry, and practice in an attorney's office or barrister's chambers was essential to the education of a successful lawyer. As for the large number of men who required instruction in law, but did not intend to practise, they could obtain that instruction at the Universities or law schools, and undergo an examination in London. Some of his brethren were horrified at the notion of a union of the two branches of the profession, but he thought every barrister should go to an attorney's office for a year, and his only mistake in life had been the neglect of this. Allowing five years for education, two would be spent at the Universities, where the capacity would be developed, and two or three years would not be too much for the study of law. The union of the two branches would result in larger classes, which were indispensable to good teaching, whereas the lectures at the Inns of Court were now very scantily attended. He did not see why all the Inns of Court and Chancery should not be brought under one system of lectures and classes, and he believed that the difficulties in the way of Sir Roundell Palmer's scheme would be surmounted. The Inns of Court and the Incorporated Law Society might retain their present privileges of examination and admission.

Professor Sheldon Amos (London) remarked that the differences between the two branches of the profession, as Mr. Marshall had shown, were not very old or essential, but were accidental. This met one of the objections in the House of Commons to Sir R. Palmer's scheme. The tendency of the age, however, was to do away with restrictions, and to have free trade in everything, letting anybody practise, and leaving the check to the self-interest of the persons concerned. It seemed a retrograde step, therefore, to introduce a new test, and unless that objection was met, it would stand in the way of any scheme of this kind. It might be fairly urged that the State had to administer justice, and to administer it expeditiously, and that unless there were really educated practitioners in the courts there would be infinite delay, injustice, and conflicting interpretations of the law. The only hope of a codification or reform of the law lay in a thoroughly educated profession, which should understand the meaning of terms, have logical views of classification, and an historical knowledge, so as to know when to use a precedent and when not. There should be a profession in accord with one another and with the judge, and a judge well-informed and reflecting the common sense of the Bar. The Universities, scattered through the country, and connected with our whole social life and distinctions, and with a large number of other objects, were hardly likely to give sufficient practical attention to legal education. They might help to prepare the public mind, and might possibly prepare the way for an organized system, but they would not satisfy the need felt by all classes of practitioners. As to the Inns of Court, their constitution was almost irremediably inefficacious. They were essentially close corporations, which could not by the nature of the case conduct education well. Education must be flexible, and conducted by persons with no other end in view. He did not say the Inns of Court were more inefficacious than other corporations. As to Mr. Robertson's proposed separation of the practical and the philosophical part of legal education, he, as a teacher of law, disbelieved in the possibility of it. The two must go on together, for without practical sympathy with a deed or will, or actual proceedings, there would be no proper study of law, and Mr. Jevons's scheme, however modified, ought to be carried out.

Mr. Serjeant Cox having had much experience in the profession, asked what the new University proposed to teach. It had been said that it would

teach only those portions of the law which everybody was expected to know—the first principles of English law, international law, jurisprudence, and civil law. A university certainly could not teach practical law, which could only be learned through the reading of practical works, and infinitely more by attendance in a solicitor's office, or barrister's chambers, and the courts. Now if a university could teach only abstract law, would it be advantageous to establish so large a machinery? Remembering that our practical law changed from year to year, and was almost revolutionised in fifty years, it could hardly be deemed a science; while in medicine and chemistry every step was one in advance, the past not being abrogated; in law, what a man learned to-day he might have to unlearn to-morrow, and, on revising the last forty years, he found an almost entire change in almost every branch of our law. A university could teach international law, that being founded on great principles, as also civil law, on which a good deal of our present law was founded, for that was an historical study. But did an ordinary solicitor want to know anything about international or civil law, or any abstract branch? He wanted to know conveyancing, and the actual practice of the courts, and had to study books like Roscoe's *Nisi Prius*, and it would not answer his purpose to master abstruse departments, which nine solicitors out of ten never required, and which others required only once or twice in their lives, when they naturally went to persons who had made such questions a special study. It would be a waste of time for a solicitor, who must be acquainted with the general affairs of the world, and have great general knowledge, to learn what could be of no practical use to him, unless, indeed, he had special qualifications for it. As to the Bar, it was divided into sections, and he could scarcely conceive any change which would render that division unnecessary. A man who professed to know every branch of the law was looked on with suspicion. A barrister must know the general principles of law, and must read up some particular branches. A man going to the Bar must first ask himself whether he meant to be an advocate or a lawyer. If the former, he had to get up a good deal of general knowledge and familiarity with human nature, and the affairs of life, as also much science and even philosophy. He would have no time to master the whole range of English and international law, which a university would require of him. Law makers and others, no doubt, ought to know the abstract principles of law, but a practical man must watch the decisions of the courts, and keep pace with practical law. Could not all the objects of the proposed university be gained by our present machinery? The universities afforded opportunities of giving the kind of knowledge required by persons who hoped to practise before the Privy Council, and the Inns of Court, with some modifications, might see that applicants for admission to the Bar obtained the particular knowledge which they required. It was absurd to suppose that the Inns of Court or a university could teach the practice of the law. The only use of law lectures was to give students a few principles of law, and to direct them to the course of study which they ought to follow. For a lecturer to say "such and such forms are to be gone through," and for students to recollect them, was absurd. Practical law must be learned in barristers' chambers and solicitors' offices, to which last every barrister ought to go, while the Inns of Court should examine the candidates to see that they had gone through these, and had acquired the requisite knowledge. The Inns of Court might, perhaps, give a certificate as to the general knowledge which every lawyer ought to possess, and it might be optional for a barrister to get a special certificate of special acquirements in particular branches of the profession. If he chose to sit in chambers and become a conveyancer, he should like a certificate that he had qualified himself beyond ordinary men in that particular branch. This would give nearly all that was required. The Incorporated Law Society might do the same for the solicitors, but these seldom required knowledge of a particular branch. When they wanted higher information they went to men who had been able to apply themselves to the more abstract studies. It was more important to have an educated body of solicitors than of barristers, for the former were employed directly by the public, who could not possibly know their qualifications, while the latter were employed by men who knew their qualifications. A barrister who did not know his duty, could be dismissed directly before any harm was done, but before a solicitor could be got rid of much mischief might be done. An advocate really required very little knowledge of law. Serjeant Wilkins, one of

the ablest of lawyers, used to say "I know nothing about law; my junior will argue that point." Yet he was a powerful advocate, and many advocates were much in his position. Under the proposed scheme, many men, who would be admirable advocates, would not pass the examination necessary for chamber counsel.

Mr. WILLIAM SHAEN (London) thought it rather late in the day to discuss whether the existing system was sufficient. Admitting that practical law could not be taught by a university or teaching body, he contended that the acquisition of practical law might be generally facilitated by improved methods of teaching law in a properly constituted school. This question had been treated as, what would be called in Germany, a bread-and-butter question—the lawyer naturally wanting to make money, and calculating whether he should become a lawyer or an advocate. Now it should be considered from a higher point of view, namely, what was best for society. It was not what lawyers wanted to make themselves, but what the English nation wanted her lawyers to be. The object should be to raise the character and acquirements of the profession. It was misleading to say that a man need only know practical law. No man had an adequate knowledge of actual law in any branch unless he was able to connect it, on the one hand, with the history of that branch up to the present time, and, on the other, with the principles of jurisprudence, for actual law was, or ought to be, the application of those principles to the exigencies of civilisation. A lawyer should know the circumstances out of which the actual law arose, and the principles it was intended to enforce. International and civil law, it was admitted, might be taught at the University. The existing division of the profession had been remarked on as a thing to be accepted as final, but the wisdom of our descendants might not precisely maintain this. He spoke the sentiment of every attorney anxious to do his duty in saying, they constantly felt how much better they could perform their duty if they had had a more thorough and systematic introduction to the profession. This scheme indeed was, to a large extent, the product of the attorneys, who had come forward in a way which did them honour, and called for an improved system. This was a conclusive answer to the allegation that the attorneys did not want it, and the number of barristers alluded to by Sir R. Palmer as forming the Council of the Legal Education Association was an equally conclusive answer to the allegation that the barristers did not want it. There had no doubt been poor lawyers who had been good advocates, but this was not what the English people should wish for, nor was it creditable for a bencher to confess he was no lawyer. Not only were seven-eighths of the profession attorneys and solicitors, but a large portion of the law was administered by them without any assistance from the Bar. Out of every ten questions that were raised, nine were answered by the solicitor in his office, and were immediately acted upon by the client. It was important to the public, therefore, that the solicitor should know more than the dry contents of cases and the Statutes of the day, for he had constantly to give an opinion on matters not directly determined by Statutes or precedents, and enormous interests depended on his giving a right answer, the only chance of which was his knowledge of the principles imperfectly embodied in the cases and Statutes, and his ability by a scientific training to apply them to the new circumstances presented to him. Mr. Jevons might have mentioned the existence of a legal faculty at University College with regular courses of lectures, and similar lectures at King's College, and the University of London with its law faculty. The existence of London University vitally affected the question whether the proposed institution should be called a university, and Sir R. Palmer modified the terms of his motion on this account. The circular of the Council of Legal Education on being sent to the University of London, was considered by the Committee, annually elected by the graduates, to give expression to their views upon any question. Several of the Committee were, like himself, members of the Legal Education Association, so that they approached the matter from no unfriendly point of view. The conclusion of the Committee was, that if the new institution was to be simply a school of law to provide education for students of the legal profession, and with or without powers to license to practise and to exercise control over the practitioners, they would cordially concur in it, subject to the title of university and the power to give degrees being dropped. The Senate, after an interview with a deputation

from the Committee, adopted this view, and the result was a communication to Sir R. Palmer, which induced him to drop the word university. It was a great advantage to obtain the co-operation of such a body as the University of London, and it had a right to be heard upon such a question, for it could not quietly see a new university established with a rival faculty of law and powers equal to its own, which it was exercising well. Its faculty was an active and constantly increasing one, the *Law List* showing an increasing number of the University's legal degrees. Indeed, some solicitors in London would not take an articled clerk unless he were a graduate of a university, and graduates of other universities did not present themselves. London University would offer uncompromising hostility to a new university conferring rival degrees. Let the new institution be satisfied with being a teaching body, leaving London University the only body with power to grant legal degrees. They did not ask that those degrees should carry a license to practise; let them remain purely honorary distinctions, and they were advantageous in shortening the five years' apprenticeship to three. A university with only one faculty would moreover be anomalous, for though Mr. Quain said a university simply meant a corporation, there was a practical difference between a college and a university. The latter should have members of various faculties, so as to have the assistance of men devoting themselves to different branches of public life. The Senate of London University was composed of good lawyers and scientific and literary men, which was better than a law faculty entirely governed by lawyers or a medical faculty by doctors. He did not object to the new school having the power to license to both branches of the profession, but the old bodies would first have to be got rid of. It was not desirable for the entire control of any profession to be vested exclusively in a body consisting solely of the heads of the profession. The question whether an attorney had misconducted himself was not decided by the Incorporated Law Society, but was argued before the judges, and he should dislike to see questions of medical orthodoxy decided by the College of Surgeons or a medical council, or a barrister's or bencher's conduct adjudicated upon in private.

Mr. W. E. Shirley (Town Clerk of Doncaster) maintained that a system which had produced a Brougham, a Denman, and a Pollock in a former generation, and a Cairns and a Roundell Palmer in the present, could not be a very bad one. He believed the present system of education for attorneys could not be improved. It was not the fool of the family who would be sent to an attorney's office; a youth sent there would have a good education, and then there were the preliminary, intermediate, and final examinations, the first a very severe one. He doubted whether an attorney with more scientific attainments would be better qualified for ordinary life. A young man in the country, moreover, could not spend sufficient time in London to qualify himself for the proposed university. He agreed with Mr. Webster that a classical and mathematical education trained the mind for afterwards acquiring a practical knowledge of law. Leaving school at eighteen or nineteen years of age, where could a young man spend two or three years better than in the semi-discipline of the universities, where he was trained for future usefulness as a soldier, engineer, magistrate, and so on. Even a man who did not work there, deserved an advantage from it. One who had gone through a classical or mathematical training was fitted for any pursuit.

Dr. Waddilove (London) urged that the idea of a university ought to be abandoned, as it would clash not only with London University, but with Oxford and Cambridge. He had been glad to hear the value of university training vindicated, and thought Mr. Shaen's suggestion was the most practical one.

Mr. Percy Bunting (London), did not expect any assistance from the Inns of Court or any co-operation on their part with the universities. The proposed school of law was much more likely to supply the existing want, the Inns of Court being unadapted by their constitution and history more than through anything blameable for a new system. He looked forward to the universities doing more in the way of practical training, for, without undervaluing reading in chambers, law was so much based on history and general principles that much could be done to prepare the way for practical training. The universities would have to admit students at a younger age, and if they kept them to the present age, they must undertake professional training. Law should be read alongside men who were practising it, and

the great defect of university training was that it was at a distance from men in actual practice.

Dr. RYALLS having belonged to both branches of the profession, thought they should be kept distinct, and to educate attorneys like barristers would be to abolish the distinction. The educational machinery for attorneys was already efficient, and as to the Bar, the examinations and lectures, though he did not attach great value to them, gave already most of what the new scheme would give. The lectures at University College were, up to one time at least, very poorly attended. The Inns of Court should make the examinations for admission to the Bar compulsory.

Mr. H. N. MOZLEY (London) concurring in Mr. Shaen's objection to a new university, asked what the new institution could do which the Inns of Court could not effect. Assuming that Parliament would support a scheme for the better education of barristers and attorneys, the question was what kind of education would be most beneficial to the country. Serjeant Cox had overlooked the immense influence of lawyers on the law. The absurdities of fines and recoveries, and Doe and Roe, lasted for centuries only because the profession, owing to defective education, set their faces against any improvement. There ought to be better instruction in the principles on which law was founded, but the question was not sufficiently advanced for any definite machinery to be recommended by the Section.

Mr. JEVONS, in reply, said he did not think Sir R. Palmer's resolutions would take away the functions of the Inns of Court. The Legal Education Association did not ask power to confer degrees or the right to practise, but proposed to leave that right and the other conditions of admission and discipline to the authorities, to whom they now, or might be, from time to time by law committed. Sir R. Palmer, too, in his speech, expressly reserved the rights of the existing universities, proposing that examination in the proposed school of law, or in some university in the United Kingdom, should be indispensable to the admission of students. Legal degrees in the University of London were conferred on persons who had passed the matriculation examination without any dependence on degrees in arts, and were as much granted by lawyers only as would be the case in the proposed institution, for the senate of London University simply acted on the report of the examiners. He could see no force in the objection to the title of a law university, but was content to waive the point.

The CHAIRMAN (Mr. Daniel, Q.C.) remarked that the discussion had been useful in eliciting varieties of opinion. The terms of the question before them appeared to assume that a better system of legal education was admittedly required, but some of the speakers had contended that the existing system was sufficient, or that the present machinery could be adapted to the purpose. It was not for him to express any judgment upon the matter, but he had been an articled clerk; he had passed through the ordeal of an attorney's office; he had run through an agent's office in London; he had for three years been a pupil in barrister's chambers (two years in a conveyancer's, and one in an Equity draftsman's); he had run his race at the Bar, and, if his personal experience could influence others, he should certainly say that an improved system of legal education, such as existed now for the articled clerk, and an improved system for the barrister, such as existed now would be desirable. With reference to articled clerks, a great and solid improvement had been made. There was now a preliminary examination which secured a sound school training; there was the intermediate examination, which was a protection against idleness during the articleship, and there was the final examination, which showed whether substantial knowledge had been acquired. He envied the position of the attorney. With reference to the Bar, everything when he entered the profession was voluntary; everything was voluntary now; and the public, for it was a public and not a private or individual question, were greatly interested in securing as sound a system of education for the Bar as had already been secured for the attorneys. In 1855 a Royal Commission reported in favour of a legal university. There were then members of the Bench of Lincoln's Inn who were anxious that active steps should be taken to give effect to the recommendation. Eight years passed, and in 1863 Sir Hugh Cairns, animated by an earnest desire to promote the public good in improving the education of the Bar, moved at Lincoln's Inn a resolution which was referred to in Sir Roundell

Palmer's recent House of Commons' speech, namely—"Resolved, that in the opinion of this bench, the creation of a legal university, to which the various Inns of Court might be affiliated, and through which legal degrees might be conferred and discipline exercised, would be desirable." The motion was seconded by the present Lord Chancellor, then Vice-Chancellor Wood, and was supported by Sir Roundell Palmer, but it was carried in a way which did not command the co-operation of the other Inns of Court, and it remained a dead letter until Sir Roundell Palmer revived the subject in a manner which led to the formation of that association, the objects of which, he thought, had been very greatly misunderstood by some of the speakers. We could not withstand the advancing wave; we were living in times when change, whether we would or not, was coming upon us, and the legal profession was not exempt from that change. What he was about to say had no reference to the conflicting interests of the two branches of the profession, but it was a fact which must not be overlooked in the consideration of a better system of education for the Bar. The privilege of the Bar was exclusive audience. Now exclusive audience had gone before those tribunals which, if not reduced to their original proportions, would swell into proportions which would require the presence of the very best advocacy. He alluded to County Courts. Without trenching to the slightest extent upon the interests of the two branches of the profession, his experience in the courts over which he presided was that the distinction between barrister and attorney was becoming merged in the union of the advocate and the attorney. Under the Bankruptcy Act questions affecting property were raised by simple notice of motion, prepared by the attorney in his office without the assistance of a barrister, and the attorney had personally to argue questions which might occupy the attention of the Court of Chancery, or any superior court. Questions of equity and of order and disposition of property were brought before this new tribunal, and hence it was most important, alike for the public and the profession, that there should be a better system of education for both branches of the profession. If he understood aright the solid wisdom and the sound statesmanship of Sir Roundell Palmer, this might be brought about by the establishment of what he suggested, without in the slightest degree interfering with the separate control and the separate discipline which each branch of the profession might deem it right to exercise over its members. He preferred to use the term "each branch of the profession," for he considered the profession of the law to be a unity, and in the preservation of that unity the public interest was concerned. That agency should separate itself from advocacy was not the result of any law, but the result of the natural operation of things themselves. Even under the free trade to which Mr. Amos had alluded, some persons would find it to their advantage to confine themselves to agency or advocacy. Sir R. Palmer's proposals left that separation unaffected, for they contemplated the establishment of a school of law, in which both branches of the profession in London and the country should be fairly represented. The Incorporated Law Society would still confer the right to practise on the attorney, and the Inns of Court on the barrister, but in both cases the certificate of the examining body of the school of law would first have to be obtained. Mr. Marshall had shown, what was not very palatable in some quarters, that the barrister was of later origin than the attorney, and the accuracy of his antiquarian research was testified by the peculiar terms, the Attorney-General and the Solicitor-General. He believed that neither Sir Roundell Palmer nor any active supporters of the Association, of whom he was one, had any thought of touching the question of a person of the two branches of the profession, otherwise than as it might be affected by external circumstances, over which no resolutions adopted in any quarter could exercise the slightest control.

THE LAWS RELATING TO LAND.*

What alterations are expedient in the Law relating to the Devolution and Transfer of Land? *By* ARTHUR HOBHOUSE, Q.C.

ONE who rises to deliver an address of the requisite brevity on such a subject as the English land laws, may well feel himself liable to be compared to Count Smorltork writing a work on English manners, customs, and institutions, after a fortnight's stay in the country. To diminish as much as possible the force of this comparison, I will first state within what limits I conceive the discussion to lie.

The ownership of land is a subject which at the present day is exciting very great attention. There are two associations at least, supported by able and zealous men, and there may be more, which have for their object the introduction of large changes in ownership by the direct action of law. The Land Tenure Reform Association and the Land and Labour League both contend that the number of properties is dangerously small and ought to be increased, that the practice of enclosing open lands is unjust and mischievous, that landowners ought not to receive the enhanced value which the increase of wealth and population confers upon their land, that land differs in kind from other properties as being more directly and immediately a product of nature, and that Government ought to take, some say the whole, and some a part, of England into its own management, to let it out in small holdings for the benefit of the national exchequer. Such schemes, whether wise or unwise, appear to me wholly beyond the limits of our present theme. They are hardly proposals for the alteration of the laws relating to land, or of any other branch of municipal law, commonly so called; but rather for shifting the very basis of English society, and remodelling it on different theories of property, and of the relation between the State and individuals. So far as they have to do with law as distinguished from politics, I will only say here that I cannot grasp the distinction taken between land and other property; that the cultivation of land appears to me to involve as much personal effort; and to confer as good a right to ownership, as the hewing and collocation of stones, or the digging of gold, or the weaving of fibres; and that open or common lands are no more public property than any other lands, but are merely lands with a plurality of private owners instead of a single private owner. On their political side perhaps I ought to say nothing, but it is difficult to avoid observing that even the less extensive of these schemes involve a vast machinery of management, requiring more wisdom and integrity than we have any ground to expect; and that to deny the benefit to this country of the enclosures which have been going on for three centuries and a half seems to me as violent a paradox as it

* See *Transactions*, 1864, p. 129; 1867, p. 628; 1869, p. 152.

would be to deny the benefit to the world of the reclamation of American forests.

If then there are any here who expect from me a discussion of these most important and interesting subjects, I fear they will be disappointed. The theme prescribed to us is a narrower one; not the relation of the English community at large to its land, but the laws relating to the devolution and transfer of land, laws which presuppose the existence of private and personal ownership, and are framed for the purpose of saying how, and under what conditions, land so owned shall pass from one private owner to another.

Even with these limits to the subject, its magnitude and complexity is bewildering. Nor is it aided by any external attractions. On the contrary it is so beset with technicalities, and so remote from popular ideas and ordinary subjects of thought, as to require considerable labour even to understand the terms of the problems it presents. There is no royal road to law of any kind; and the law of real property in this country has long enjoyed an unenviable reputation as one of the driest, most crabbed, and revolting of studies. And yet if discussions like these are to have any practical result, we must make ourselves understood, and must show that our subject is of general interest and importance. For we live in times, and under institutions, which necessitate a popular appeal for every step of amendment. Not only are there the inevitable professional prejudices to be overcome, but behind them lie privileged classes, exercising great and irresponsible power, who are prone to resist all change as such. It is not sufficient to prove your case, or to convince a reasonable majority of intelligent minds, you must also awaken a keen and general interest, and obtain the momentum of numbers before the *vis inertia* can be overcome.

Under these circumstances I shall endeavour to confine myself to the salient points of what I conceive to be the subject before us, and I will apologise beforehand to such professional critics as may be listening to me, if I appear to omit important details, or to use language professionally inaccurate, but "understanded of the people."

First, then, I will take the transfer of land, premising that by this expression I mean simply the machinery by which land is made to pass from one hand to another, whatever the rights of ownership may be. On this point there are few people, except successful conveyancers, and probably not many of those, who do not feel the opprobrium attaching to our English system. Its expensive, dilatory, and vexatious character, its proneness to drift into litigation, and, after all, the uncertainty of the title conferred by it, have been exposed again and again;* and schemes for meeting the evils by some system of registration of titles have been propounded for a great number of years. It will be useful if I state how this matter has been dealt with.

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* See Report of Registration Commission, 1857, paragraph xii.

In the year 1857 a Royal Commission, appointed to consider the subject, made a report of the most able and comprehensive character, which should be studied by every one who desires to understand the matter. The gist of their advice was, that a general registry should be established; that the title registered therein should be nothing but the fee-simple or absolute ownership; that charges, leases, and beneficial interests should be protected by a system of notices or a separate registry; and that it should be competent to persons coming to register their title, to elect whether they would do so subject to all adverse claims, or as indefeasible.

In the year 1859, Lord Cairns, then Solicitor-General, introduced Bills which were mainly founded on the report of 1857. They passed a second reading, after which their progress was stopped by a dissolution of Parliament. The subject was not resumed till the year 1862, when Lord Westbury, then Attorney-General, introduced a Bill which passed into law and is now in operation. This Act of 1862 departed from the report of 1857 in two most important respects. First, it aimed at being very much more comprehensive, and instead of establishing a registry for absolute ownerships only, it provided that every species of interest should be entered on the register; in other words, it became a registry of assurances rather than of titles. Secondly, it did not allow of the registration of any title except as an indefeasible one.

After four or five years' trial it was found that the operation of the Act of 1862 was quite insignificant, and that no hope of its increase appeared. Another commission was appointed to inquire into its working and possible amendments, and this commission reported in the year 1869. The failure of the Act is fully admitted in the report, which endeavours to trace its causes. The Commissioners do not think that anything is attributable either to the hostility of the legal profession, or to the shortcomings of the office, two reasons which a superficial popular judgment is ready enough to assign on any such occasion. In short, they think the Act has been fairly and properly worked, but that it is itself defective in the two important principles in which it departs from the report of 1857.

The difference between registering a title as indefeasible, and registering one with all its faults, is obvious and enormous. For the former purpose the registering owner must show a title such as the Court of Chancery would declare to be spotless, *i.e.*, one at least sixty years old, and with its whole subsequent history duly accounted for. He must, therefore, incur all the expense and delay incident to an ordinary sale, with a purchaser of the most exacting and contentious character. Clear evidence was given to the Commission that the burden of such a proceeding was intolerable, and that those who experienced it once were not likely to advise any client to undertake it; moreover, when the title was once on the register it did not, except in a few peculiar cases, gain any advantage, because the Act did not keep it there as a clear and absolute ownership, but provided for the registration of all subsequent dealings with it.

Thus, the stream, cleared by a most laborious process, would immediately become muddy again.

Such being the causes why the Act of 1862 failed of success, the Commission recommended a closer adherence to the report of 1857. They say, with the light of six years' actual experience, the more highly wrought system is not, and will not become popular; and they, therefore, endeavoured to ascertain by evidence what it is that people want, and to suggest a machinery for supplying them with that thing, and with nothing else. You will, perhaps, not think it out of place if I read you the conclusions of the Commission on this point.*

"62. We have had our attention called to systems existing in other countries, but we believe that any attempt to imitate them would only mislead us. In Ireland an Encumbered Estate Court has been at work, and there has been a most accurate survey; in Australia and other colonies the land has been recently granted out by the Crown after official survey. The continental nations have, we believe, a more simple law, not admitting of the long settlements that prevail in England. Other nations, therefore, have starting points which we have not, and which preclude us from taking their example as guides for ourselves.

"63. Having regard, then, to the state of English law and English customs, we ask, What is the object of establishing a Registry in England? Surely it is for the purpose of more easily and quickly transferring land. Ours is a commercial country, and we desire all property, even land, to pass readily from hand to hand. The thing wanted is not security of the landowners, for they are secure enough now; nor security of purchasers, for they are content with what they get in this respect; but ease of transfer. Why then should we aim at transfer with indefeasible title? We conceive that we have shown conclusively that purchasers do not want indefeasible title; that they are content with a good title, such a title as makes them reasonably secure that they can hold the land themselves, or by making a proper contract can transfer it without loss to others. So little do they want an indefeasible title, that (as we have shown) they will for the sake of saving some cost to themselves, or even out of merciful consideration to the other contracting parties, overlook certain blots and defects, forego requisitions, and be content with slender investigations. Now we conceive that no axiom can be sounder than this, that for an institution to thrive in a free country it must offer to people the thing that they want. If people want cheapness and speed, and we offer them expense and delay, they will reject the offer, though it may be accompanied with the most ample security. If men are content with good titles, why should we force them to take and pay for indefeasible ones? If they are content with parcels imperfectly described or defined, why should we compel them to take perfection at a cost of money, time,

* Report on the Operation of the Land Transfer Act, 1870.

and trouble? These are questions to which we can find no satisfactory answer.

"64. The problem is, not to find a perfect system of land transfer, recording with mathematical accuracy the nature and extent of the land and every interest in it, so that the record shall absolutely dispense with the necessity of ordinary examination and inquiries, but, to find a system, which not impairing the present security of owners or purchasers, and not exonerating a purchaser from the easy and obvious task of looking at the outward and visible state of the property, and making inquiry of persons in outward and visible possession of it, shall enable the legal ownership to be readily passed from hand to hand, and dispense with the necessity of enquiring after invisible equities and interests, whose only evidence is contained in private documents."

Having myself been one of the majority of commissioners who signed this report, it will be readily supposed that I advocate the principal conclusions of it. What I submit to this meeting is that instead of the present system of registration there should be established a registry, framed as closely as possible on the principle of the stock registries kept by the Bank of England and all commercial companies, that nothing should be admitted on this registry except an absolute ownership, that all subordinate interest should be protected by a system of notices, or by throwing the duty of inquiry on purchasers, and that there never should be any interval of time for which the land should be without a registered owner competent to sell. And that this system should be commenced by allowing any landowner to register his title at as short a date as he pleases, and subject to blots and imperfections of an earlier date.

If this reform were effected, I believe the net result would be that a great number of landowners would register their titles, not as indefeasible but as dating from the time of registration, or from the last acquisition by themselves. This would avail them but little if they wanted to sell immediately afterwards, but as time ran on the advantages would be great, so that in thirty years the registered owner would have such a title as is now commonly accepted, and in sixty years one practically indefeasible, on the production of no other evidence than the certificate of registry. If the system was found to answer it might be made gradually compulsory by requiring registration of every property on its sale.

I ought to add here that a Bill founded on the Report of 1869, was introduced by the Lord Chancellor in the session of 1870, but it was choked by the pressure of other business, and has not since been revived.

I do not believe that anything more efficient than is here recommended could be done for the purpose of facilitating the transfer of land under the present law of ownership. But this brings us to the more important question relating to the alterations which it is expedient to make in the devolution or ownership of land. You will observe that all that has been hitherto suggested consists of improve-

ments in the machinery of transfers. I am among those who think that, however much we improve our machinery, we cannot have a very simple system of conveyancing as long as we retain a very complex system of law; and that for this end as well as others the devolution of land, and the power of selling it, should undergo modification. In all schemes for simplifying transfer by registering only the absolute ownership, it is necessary to provide for the safety of partial and unregistered interests by some system of notices. And under our present law such notices would, in some cases, amount to an absolute prohibition of sale, as where they are given on behalf of an infant or lunatic beneficiary; and in many others they would, owing to the long period for which our settlements endure, be so numerous and complicated as not to be cleared off without litigation. Therefore, the alterations I am about to suggest bear strongly on the facility of selling land as well as on other objects.

Indeed, the increased facility of sale, or of a right to sell, is, politically speaking, of far greater importance than an increased facility of transfer by those who at present have a right to sell. In every country it must be of great importance. In a commercial country its importance is of the first magnitude. The land of a country, being the most important and permanent of all its possessions and the basis of every local operation, should always be in hands capable of dealing with it. It has been well observed that just as the feudal law required that the freehold should always be filled by one capable of contributing to national defence, and performing the duties of a feudal follower, so the spirit of commerce now demands that for its purposes also the fee simple in land shall always be represented, and be in the possession of persons capable of fulfilling their new duties and offices which the ownership of land in the present state of society entails or involves.*

How far we are from such a state of things can only be guessed, for we have no evidence, nor is it possible that we should have any, approaching to precision. Before Mr. Pusey's Committee it was stated that two-thirds of the land was in strict settlement. But settlements may contain powers of dealing with the land for all commercial and social purposes. Relying on this circumstance, no less an authority than the late Mr. Hayes says that a statement made by Mr. Fawcett to the effect that only a small portion of the land can be considered a marketable commodity, is "so wide of the mark that it "would be more correct to say that, with the exception of Blenheim, "Strathsfieldsay, and three or four other estates in the same category, "there is scarcely an acre of land in England that is not saleable." Mr. Hayes was not only a conveyancer of first-rate eminence, but a man of active mind and great accomplishments beyond the bounds of his profession. Yet I cannot help thinking that he was misled by his own great familiarity with large properties and well drawn settlements, and by attributing far too wide an operation to a recent

* Report on the Registration of Title, 1857, par. L.

Statute, of which I will say a few words presently. In these matters of conjecture we are all of us guided by the little range of our own vision. I will therefore state what I happen to know. My native parish is in Somersetshire. Half of it is practically (though not legally) unsaleable, owing to the provisions of a settlement and the disability of an owner; of the other half I know nothing. This parish is touched by seven other parishes. In one the bulk of the land is unsaleable, under the provisions of a will made some fifty years ago. In two others the largest properties (I believe quite half of the whole) are unsaleable, under a will made some forty years ago; and of the remainder I know nothing. In a fourth, half the land has, with a brief interval, been unsaleable for a period longer than I can recollect, owing partly to a settlement, and partly to the disability of an owner; and of the other half I know nothing. In a fifth a considerable farm is unsaleable, under a will made about thirty years ago; almost as much again I know to be free, and of the rest I know nothing. As to the other two parishes, I have no sufficient information to speak. There is no reason to suppose that my neighbourhood is an exceptional one in this respect. So far as my professional experience goes it is very common to find land legally unsaleable. My belief is that the statement attributed to Mr. Fawcett is not far from right, and that, to say nothing of the imperfections of powers of sale as compared with absolute ownership, a very large portion of our land is absolutely fettered, and made legally inalienable.

The report of 1859 (par. 92) takes notice of this, and suggests that more extensive powers should be conferred on the Court of Chancery. Some powers for the sale and leasing of settled estates were conferred on the Court by an Act passed in the year 1856; but such a step was considered by our landowners as very dangerous, and the Act was overladen with precautions. It does not apply at all to cases where the difficulty consists in the infancy or lunacy of the owner, and the number of consents and notices it requires preclude its action in some cases, and, in all, render it cumbrous, dilatory, and expensive. Moreover, a sale is by no means a matter of course, but the Court must be satisfied that it is beneficial to all parties. The Act is undoubtedly useful and, for large properties, is used; but its operation is very limited, and, considered as a remedy for the national wants, is insignificant. Remedies to be effectual should work without recourse to the Court of Chancery, and at the will of the parties interested in the property.

That the title of a registered owner should, on his death, pass to his representative is a clear consequence of the plan of registering absolute ownerships. This is part of the plans suggested by the reports of 1857 and 1869, and of Lord Cairn's schemes. But it leaves untouched the question what the representative is to do with the land when he has got it.

It seems to me that a dead man's lands ought, like his other property, to pass to his executor for all intents and purposes. As long

as the beneficial owners are under disability, the executor or other trustee should have power of alienation as absolute as he now has over consols or leaseholds. The community ought not to suffer by land being made inalienable because the owner is an infant or a lunatic.

In cases of intestacy, the principle of devolution so long and ably contended for by Mr. Locke King ought to prevail. The eagerness with which such a change is combated is a curious instance of the unreasoning force of habit. So difficult is it to disentangle our minds from temporary and local circumstances, that we constantly mistake what is customary to us for what is natural, universal, and eternal. And so under certain contingencies we quietly reconcile ourselves to the spectacle of a whole family impoverished for the aggrandisement of one. I have heard the law of primogeniture defended as being the plainest dictate of nature, and, moreover, in accordance with the divine commands. Certain it is that many estimable gentlemen resist a change on the ground that this law is one of the safeguards of English society. And yet I will be bound to say that there is not one of those gentlemen who, when he sets himself to make a will or a settlement, does not by his acts condemn the law. Is it not a matter of course for a man to provide for his wife and all his children? What would be thought of a man who stripped all the others to enrich a single one? Well, the law should do for us, as nearly as an abstract rule can, that which each of us does for himself when he has time for reflection and action. The Statute of Distributions actually does this. It is very seldom that a man leaving a family makes a more convenient will than the law makes for him as regards personal property. I never heard a complaint of it. Let it do the same with land, and complaints will be as rare on that head. I do not go into the historical or antiquarian side of this subject, though it would be easy to show that our law rests on purely feudal and military grounds, which for some centuries have ceased to have any existence, and that the case is one for the application of that legal maxim which the course of events constantly belies, *cessante ratione cessat lex.* The law of gavelkind, which was displaced by the military system of the Normans, would be better than primogeniture; but our law of personal property is better still, and the mere advantage of having one principle of distribution for real as well as personal property would be not inconsiderable.

But such reforms as the foregoing will be comparatively small if we leave to landowners the large power they now possess of remaining the owners of property after they are dead, and can no longer be influenced by the demands and the opinions of the living. It will be convenient if I recall to your recollection the course which our law has taken on this subject, and perhaps you will pardon me if I do so by repeating what I have said on a previous occasion.*.

"Our feudal ancestors kept before their eyes much more clearly than we do the principle that Man is Lord of the earth for his life

* A Lecture on the Characteristics of Charitable Foundations in England. Longmans & Co. 1868.

only. The early benefices or feuds endured only for the life of the beneficiary. But the usual desires of mankind soon manifested themselves. The great feudatories wished to leave their fiefs to their children, and favoured by circumstances they succeeded in acquiring the power of posthumous disposition. They then wished to prevent the lands passing away from their families; and so they invented a new mode of disposition by which the land did not go to anyone in absolute ownership or fee simple, but was given to one and the heirs of his body, which was intended to create a limited ownership or fee tail. This disposition would, according to the settlor's intention, carry the land through all generations of his descendants, so that it should never be aliened by them. But this device was defeated by the astuteness or audacity of the judges, who it is reasonable to suppose were instigated or at least encouraged by the Crown. The judges held that by a gift of this kind all that was meant was an absolute gift in fee simple on condition that the donee had a child, and that the moment he had a child he had performed the condition and took the land in unfettered ownership. The barons, however, were not so easily defeated. They were powerful enough to procure an Act of Parliament (passed in 13 Edw. I.) which provided in effect that settlements of this kind should be construed literally and should take effect according to the form of the gift. This law remained in force for a long time. When it was first encroached on we cannot tell. It was not repealed, but was gradually undermined by crafty devices of the lawyers which were finally established as sound legal processes in the reign of Edward IV. This time the means adopted were fictitious lawsuits, the most efficacious of which were called Recoveries. In these it was pretended that the entailed land belonged to a stranger who brought his action and got his judgment; but this stranger was really the agent of the tenant in tail, and when he got the land was bound to deal with it as his employer directed. Thus the tenant in tail became the absolute owner. The barons had by this time much declined in power and did not pass any fresh Statute on the subject. But they were not satisfied with the amount of dominion allowed by a simple entail capable of being defeated by recovery. They now had recourse to the lawyers, who devised new modes of shifting the land from one to another by which it might be kept from alienation for long periods of time. No sooner did this new form of the old evil appear than the judges began to counteract it. They laid down as a maxim that the law abhors a perpetuity. What was a perpetuity was not so clear, and the reasonings on this subject are intricate and perplexing to the last degree. Suffice it to say here, that any device calculated to prevent property from vesting in absolute ownership for any longer period than for existing lives and twenty-one years more, was ultimately found to be that wicked thing which the law abhors, and was adjudged to be void accordingly. And such is the law to this day."

Now it is very remarkable that this law is not the result of any national deliberation. Neither the hereditary legislature nor the

representatives of the people have had any voice in it. It is simply the invention of a series of judges. It probably suited the prevailing views of the leading men of the time, otherwise it would hardly have been promulgated, or, if promulgated, would have excited opposition. But amidst all the obscurity attending its establishment, one thing is clear, and that is, that it was thought to be a great advance in, and security for, liberty of action. By way of evidence for this, I refer to what Lord Coke says of Mary Portington's case, which was one of the decisions overturning attempted perpetuities.* He says—

"Then have I published in Mary Portington's case, for the general good both of prince and country, the honourable funeral of fond and new-found perpetuities, a monstrous brood carved out of mere invention and never known to the ancient sages of the law; I say monstrous for that the naturalist saith *Quod monstra generantur propter corruptionem alicujus principii.* And yet I say honourable, for that these vermin have crept into many honourable families. At whose solemn funeral I was present and accompanied the dead to the grave of oblivion, but mourned not for that the Commonwealth rejoiced that fettered freeholds and inheritances were set at liberty, and many and manifold inconveniences to the head and all the members of the Commonwealth thereby avoided."

It must be remembered that people were then familiar with the spectacle of perpetual entails, and had only recently been rid of them. But many political movements which in their day were highly promotive of freedom, are now found to be restrictive of it. This, in my judgment, is the case with the law of settlement or perpetuity. It is high time that this subject which has never been the subject of deliberation or decision by the Legislature should become so, and that the question should be distinctly raised whether it is not right for each living generation to exercise full dominion over the fruits of the earth, and the power of judging for itself what is most for its own good.

Now the effect of our law of perpetuity is this—that the settlor of property can take the dominion over it away from those whom he knows, to confer it on those whom he does not know, nay, on those who are unborn and may never come into existence. This power is very commonly exercised to its fullest extent, merely because it exists, and without the slightest reason beyond the pleasure of exercising power. A testator will not allow his son, though he may trust him and love him, to make arrangements for his own children at a time when he knows their number, their characters, or their needs, but insists on making those arrangements himself, some thirty or forty years beforehand, when nothing whatever is known of the circumstances to which they will apply. The result is that, among the richer classes of this country, a very large number of families have their property governed, not according to their own desires or necessities, but according to the guesses or the

* *Ibid.*, p. 24.

fancies of some one who died long ago, and who could not, even if he wished, make the best arrangements for them. If we were now proposing to enact such a law, this statement of it would probably be enough to ensure its rejection. What could be more irrational than to maintain that each generation shall be considered more competent to foresee the needs of the coming one than that one, when arrived, is to see them; and that the disposition of property shall never be brought abreast of the existing age, but shall always be subject to the views of the past age. Yet such is the direct effect of our law of posthumous disposition; and according to my experience the phenomena are much in accordance with the law. As the tree is, so is the fruit. The cold and numbing influence of the dead hand is constantly visible.

I am not going to discuss the more public side of this question, to which task indeed I am not equal. The law is both attacked and defended on grounds of general policy and of political economy.* Those I pass by now. Whether a curtailment of the power of settlement would tend to break up properties,† or, if it did so, what might be the political effect, I do not presume to say. Such inquiries seem to me of a very remote and conjectural character, even when conducted by competent persons. What I consider to be not conjectural, but proved by experience in all human affairs, is, that people are the best judges of their own concerns; or if they are not, that it is better for them, on moral grounds, that they should manage their own concerns for themselves; and that it cannot be wrong continually to claim this liberty for every generation of mortal men.

But there is another side of the question with which my professional experience has made me familiar, and this is the department to which the law directly applies, and in which it produces its immediate effect. The interior of every family of any opulence is affected by the law of settlement, and the effect of the great power allowed to settlors is very prejudicial. I am not speaking at random, but with many instances present to my mind, in saying that a strict settlement is apt to place every one concerned in a false and constrained position. The father of the family, cut down to a tenancy for life, resents the restraint, disclaims responsibility for the inheritance, and declines to assist it by improving, or to spare it from charges by saving. If he has only daughters, the matter is worse. On his death they and his widow will have to leave their home, of which some collateral, more or less distant, will take possession; and why should things be made comfortable for him? If he has a son, that son is sure of his succession; he owes his property to his

* Usually under the name of the law of primogeniture, a name inaccurate and misleading. The important law which people really wish to discuss may be called the law of perpetuity or of settlement, or, as I have usually called it here, of posthumous disposition.

† As far as my own small experience goes, I have found that strict settlements do not foster, but retard accumulation of land, a process which, I suspect, is due partly to moral causes, and chiefly to monetary ones, and not in any degree to the state of the law under consideration.

grandfather, whom he never saw, and feels independent of all obligations. If unable to make satisfactory arrangements with his father about money, he will raise it by post-obits. If there is no issue, the relations between the life-holder and his collateral successors are much the same. This is the case, supposing him to be a man who does not exceed his income. But supposing him to be extravagant, then is seen a most melancholy sight. A family with wealth enough to provide for their wants and give them some start in the world, but with it all placed out of their reach during the father's life; the income goes to his creditors; the children may grow up in a state of ignorance and destitution; he is trying how far, by wheedling trustees, or by the astute exercise of legal powers, he can encroach on their portions; they are expecting money in the future, and making no adequate exertions in consequence. It is probable that many men would be restrained from squandering their fortunes, if it were not for the delusive idea that the capital is placed beyond their reach, and will be saved from a wreck. But be this so or not, it is better, far better, even for the children themselves, to say nothing of the public at large, that they should, as regards inherited property, stand or fall by the parents' acts, and that they should not undergo the excessive trials which beset every one who is poor now, but rich in expectancy.

Of course, I am not saying that the effects just described are in fact the usual result of strict settlements. Men are constantly better than their laws; and family affection, prudence, self-respect, and a sense of right and justice are always operating, and in most cases with success, against the tendencies I have mentioned. All I say is, that these virtues would operate more freely and effectually if people were left with more freedom and more responsibility; that settlements have a tendency to blunt the sense of responsibility; by shackling freedom of action, and to impair the delicate interdependence of parent and child; that these tendencies come frequently into partial action, and not very infrequently into full-blown action. My belief therefore is, and has long been, that society at large would gain much, and lose nothing, if the power of settlement were restricted.

What wonder if such an extraordinary law is peculiar to ourselves! It is pointed out by Mr. Hoskyns in his able essay on these laws that "our colonies have one and all wisely shrunk from their impositions. The United States rejected or repealed them as soon as they were free to choose; and there is now" (with the unfortunate exception of Ireland) "not a country of the civilized world in which they survive."

The question then comes to what extent they should be restricted? Now I am no advocate for the introduction of the Code Napoleon. That law seems to me to be open to the same charge as ours, of being too restrictive of freedom and of establishing a false position between parent and child. I believe that free testation is the better system; at all events it is not proved to be the worse one, and alter-

ations should not be made without a strong case against the existing system, and should not be more than co-extensive with the mischief complained of. I should wish then to see every landowner free to choose the persons who are to succeed him in the possession of his property.

But there is an obvious difference between the choice of successors among living persons whose existence is ascertained, and who may enter (by themselves or by their guardians) at once into possession, and an attempt to forecast events or alternative groups of events, and to shift property about accordingly. A clear obvious natural line is drawn for us between those persons and events which the settlor knows and sees, and those which he cannot know or see. Within the former province we may trust his natural affections and his capacity of judgment to make better dispositions than any external law is likely to make for him. Within the latter, natural affection does not extend, and the wisest judgment is constantly baffled by the course of events. I submit then, that the proper limit of perpetuity is that of lives in being at the time when the settlement takes effect.

Two observations will at once occur on the above proposal. One is that an ordinary marriage settlement provides for persons not in being. That is so, and I can easily imagine persons who would agree to limit other arrangements, but would think it imprudent to interfere with marriage settlements. I do not myself think so, because it may safely be left to the parents to provide for the offspring, and according to my experience it is done in a more satisfactory way when they are not fettered by contracts made in the dark. At the same time, settlements made upon actual marriage are for the most part dictated by motives of reasonable prudence, and not by ambition, or the love of power, or blind obedience to custom, or the traditions of the family lawyer. And if it is thought desirable to make an exception in favour of expected offspring, it could as a matter of law be easily effected, and as a matter of policy be managed without any great encroachment on the general principle.

The observation is that most of the arguments here advanced, apply to personalty as well as to land. They do so, and I should wish to see the same law governing both classes of property. The case, however, is more conspicuous with regard to land, because it is the more visible and important kind of property, and the duties attendant on its possession affect the common weal in a more direct and immediate way.

I ought not to close an enumeration of desirable changes in the devolution of land without observing on the Statute of Limitations. I believe it is the opinion of most professional lawyers that the time of limitation may very advantageously be shortened, and I submit it for the consideration of the meeting without further attempting to discuss it myself.

If, then, reforms of this kind here suggested could be carried into effect, my belief is that the land of this country would be placed in

the position best adapted for the needs of an active and commercial society. And the establishment of a registry, though undoubtedly very difficult with our present law, would become simple enough when the law of ownership was simplified.

The alterations I propose may be summed up as follows :—

(1.) That a registry on the principle of the Registry of Consols should be established.

(2.) That there should be a living responsible owner for all land, capable of dealing with it, subject to accounting to the beneficiaries.

(3.) That the land of a deceased owner should pass to his executor to be dealt with as money and leasehold now are.

(4.) That land should not be settled on anybody not in existence when the settlement takes effect.

(5.) That the period within which an action may be brought should be shortened.

In conclusion, I will only warn the meeting of the extreme difficulty of carrying any such scheme as here sketched out. For many years Mr. Locke King has expended great energy and ability in contending for the simple object that in cases of intestacy, a man's freehold should go as his leasehold for 10,000 years would go, and as the deceased himself would in most cases wish it to go. And yet until the present year he has not had any hope of success. The more important alteration of shortening the period of settlement is likely to meet with yet greater opposition. I believe that great landowners think that such a reform would lessen their power. To my mind this is a plain error. It is a distinct increase of power to each generation in turn that it should be absolute owner of its possessions, and not share the ownership with the dead, or with the unborn. From the few who by accident became unfettered fee-simple owners, the phantom of power which consists in dictating to future generations would undoubtedly be taken away. But the tenants for life who have to bargain with their sons, and the tenants in tail who have to bargain with their fathers, will be released from that necessity. All will be freer in their own position, and be freer to discharge their duties towards the community. But though this may seem clear enough to us, we must not expect it to be clear to those who suspect and dislike change. If there are any here who adopt my views and resolve to carry them into practical effect, they have a long battle before them. But they will have a good cause; and with patience and perseverance they will win the victory.

On the Same. By Mr. Serjeant Cox.

TWO parties are demanding a reform of the laws that regulate real property, but with very different objects. One demands reform only, the other seeks a revolution.

The purpose of this paper is to consider what reforms are required, and in what manner they may be accomplished.

Let us first clearly see what are the evils complained of.

The substance of the grievance is that land is monopolised by a few, though many are desirous to possess and willing to purchase it; being prevented through the inability of the owners to sell, by reason of the law of inheritance, of settlements, incumbrances, and the consequent costs of transfer.

I do not enter upon the wide political and economical questions that have been raised with respect to the ownership or the occupation of land. There is no immediate prospect of the predominance of the party who demand that real property shall be taken from its present possessors by the State, with a compensation paid by a tax specially levied upon the property to be thus abstracted. Before this social revolution can be accomplished, there must be an interval of which it will be the part of true statesmanship to avail itself for the redress of all real grievances, the cure of all proved defects, and by timely reforms to remove from the foes of property and social order the ground they are always so eager to occupy, covering designs of revolution under professions of reform. By prompt abandonment of whatever is indefensible, and remedy of whatever is wrong, the friends of order will make a better fight of it, when the inevitable conflict with the anarchists shall come.

What, then, are the alleged causes of the asserted monopoly of real property? They are:—I. Variety of Tenure; II. The Law of Inheritance; III. The Powers of Devise and Settlement; IV. Mortgages; V. The System of Conveyancing. I propose to consider each of these alleged grievances separately.

I. Variety of Tenure.—This is an evil undoubtedly. It impedes the passage of real property from those who have to those who desire it, and it is often a serious obstacle to improvements in the hands of its possessors. Lands of different tenures, freehold, copyhold, and leasehold, are so commingled that it is often impossible to construct an estate of convenient size for pleasure or profit without the cost and trouble of an investigation into as many distinct titles as there are tenures, besides the inconvenience of restrictions upon the enjoyment of the whole because some trifling portion, not being freehold, cannot be freely dealt with without incurring liabilities that of themselves constitute a bar to improvements. For instance, I know a freehold estate in the neighbourhood of London, in the heart of which are twelve acres of copyhold. The effect of improvements, of which the land is very capable, and which the owner is desirous to make, would be simply to increase the charge for enfranchisement. But, it will be asked, why does he not resort to the Copyhold Enfranchisement Act and relieve his property from this liability? For the sufficient reason that the Commissioners take into account, not merely the present value of the copyhold, but its possible prospective value as being capable of becoming land for building at some indefinite future. The copyhold in question is copyhold of inheritance, with a small fixed rent (about 9*s.* only), and a fine on admission of two years' annual value. The actual annual

value of the property is 2*l.* per acre or 24*l.* for the whole. The fine at two years' value would be 48*l.*; the rule of enfranchisement is said to be two fines, the rent at thirty-years' purchase, and one steward's fee. The charge for enfranchisement of these 12 acres should be, therefore, about 120*l.* The sum actually demanded is 600*l.*, being only 100*l.* less than the purchase money of the estate itself. This is but one of a multitude of similar cases, but it illustrates the nature of the grievances growing out of the variety of tenures.

The remedy will be to bring about an uniformity of tenure with all practicable speed. Facilities should be provided for the conversion of any tenure whatever into freehold. This might be done by extending the functions of the Copyhold Commissioners, who should be empowered to enlarge to a fee any other tenure, except a life interest or a leasehold for a term originally created for less than 100 years. The duties of the Commissioners in such cases would be to assess the difference of value between the estate possessed by the applicant and the fee; to direct such value to be paid by the applicant in cash, or charged upon the property for a limited term, according to circumstances. Any money so received by them to be held in trust by the parties entitled to the fee, as well as to any large estate than that of the applicant, and to be paid over to such owners on satisfactory proof of title.

It would not always be practicable for present possessors to pay at once, nor, indeed, could the charges be in all cases properly imposed upon possessors who have temporary interests, or who are merely trustees. I propose, therefore, to empower the price of the fee to be made a charge upon the estate, where circumstances might render such a course expedient, upon the same conditions and in the same manner as is now provided with respect to moneys taken up for drainage and other improvements.

The enfranchisement of copyholds should be further facilitated by enacting that in no case where the copyhold is of inheritance, and the rent fixed, shall possible prospective value be taken into account, but that the copyholder shall be entitled to enfranchise on payment of a sum not exceeding two years of the then annual value, thirty years' purchase of the rentcharge and one steward's fee; and that in the enfranchisements of all copyholds in which the lord has a larger interest than this, the value of such larger interest shall be calculated separately, and added to the above estimate as the price of such enfranchisement.

To promote enfranchisement, the same power of charging the estate with the cost of it should be given, as above proposed, in the case of enlargement of other tenures.

This is, of course, a mere outline of a scheme, by which the desirable object might be promoted of reducing all the varieties of tenure now prevailing to three, viz., the owner in fee, the owner for life, the tenant for a term of years not exceeding one hundred. I do not pretend to have constructed the details, which would require

laborious elaboration, and fill a goodly volume. My design in this paper is only to suggest desirable reforms, not to frame an Act of Parliament.

The second of the alleged grievances of this present law is,

II. The Law of Inheritance.—Against this two objections are usually preferred;

First, that the law of primogeniture is unjust and injurious to the community;

Secondly, that for the express purpose of preventing the accumulation of land by individuals, the owner should have no power of disposal of his property, but that it should be equally divided among his next of kin in all cases. Some more moderate reformers, however, would restrict this compulsory division of property to real property. But this party has no stand point, for if such be the right mode of dealing with one kind of property it cannot well be wrong with the other, and if it should ever come to be adopted in this country, the rule will assuredly be applied to personalty as well as to realty.

Although the great majority of the advanced reformers, from prudential motives, at present limit their demand to the abolition of primogeniture, leaving to the owner the right to devise his property at his absolute discretion, distributing it only in case of intestacy, there can be no doubt that the ultimate design is a compulsory division on death. Much has been said both for and against this scheme; but it is not yet ripe for public discussion, and some years will probably elapse before it will take a practical shape, therefore it is not now necessary to consider it at all, and I limit the suggestions to the first proposition, which has already assumed the form of a project of law, and will erelong offer itself for formal decision—the abolition of the law of primogeniture.

The practical effect of the law upon the distribution of land in modern times has been enormously exaggerated alike by the fears of its supporters and by the hopes of its opponents. If it had not existed during the last century, the devolution of estates would have been very much what we have seen. The desire of owners to sustain a family name, and still more, to keep together the estates of whose possession they were proud, has been the prevailing motive for preferring to endow with them one son instead of cutting them into small portions for several children. If the owners of estates have not made wills, but allowed the law to takes its course, it has been because the law was in accordance with their wishes. They who really desired the division and distribution of their properties might have made wills, and so carried their desires into effect. That they have failed to do so is the best proof that the law regulating the transmission of estates has expressed the prevalent views and wishes of those for whom it was made.

The abolition would have little practical effect upon the distribution of real property. When owners know that if they would "preserve the estate in the family," as it is termed, they must make

a will, they will make a will, and do by express devise what hitherto they have trusted to the law to do for them. If a man is the possessor of large landed estates, and, knowing the law, fails to comply with its provisions, he cannot complain of the consequences of his own negligence. Not only would no wrong be done to any single person by the abolition of the law of primogeniture, but a positive good would result from it, in the inducement it would offer the owners of property to make their wills. That solemn act of making a will brings directly under the notice of the maker the claims natural and social upon his bounty which may be banished from his mind in the occupations of busy life, but which force themselves on his attention when he is deliberately resolving how his property ought to be dealt with after he has himself passed away and can no longer enjoy it.

The only real inconvenience that has been suggested as likely to result from the abolition of primogeniture is the difficulty of dividing small properties, such as an estate of a few acres, or a house. But the answer to this objection is, that the inconvenience has always existed in the case of leaseholds, and is found in practice to be easily overcome. A large proportion of houses are leasehold; but there is the ready resource for those who do not like the Statute of Distribution—let them make a will.

The next is a more difficult and doubtful question.

III. The Powers of Settlement and Devise.—In these will be found the most formidable obstacles to the ready sale and cheap conveyance of real property.

It is the existence of such charges that prevents sales of land, for a purchaser is reluctant to buy subject to charges, and trustees are unable to discharge so as to facilitate a sale. It happens continually that a comparatively small charge is imposed by a devise or settlement on a large estate. As the law is, this charge extends over the whole estate, *per mie et per tout*—every part is burdened with the whole charge—even although one-tenth of the estate would be of sufficient value to secure the whole. Trustees, who are already exposed to the most unjust liabilities, dare not exercise a discretion and sell any part discharged from the burden that is thrown upon the entire estate, and as a consequence the whole is unmarketable, although not a tithe of it is really burdened, and it is for the equal interest of all parties interested that a sale should be effected.

The present power of devise and settlement is limited to a life or lives in being and twenty-one years afterwards. It is contended, with much force of argument, that this is too long a time over which the dead should be permitted to control the property they have left behind them. The inclination of owners is generally to exercise this power to the utmost. There is a sense of satisfaction in thus, as it were, living after death, and controlling what they can no longer possess:—

> We have no title deeds to house or lands;
> Owners and occupants of earlier dates,
> From graves forgotten stretch their dusty hands,
> And hold in mortmain still their old estates.

But, the evil admitted, there is little choice of remedies for the reformer. Either he must still further limit the power to charge and control, or he must abolish it altogether. This last course would be attended with great inconveniences. For instance, the owner of an estate has five children; he wants to portion his daughters, to establish his sons in business as they arrive at maturity. If the estate cannot be charged with these burdens, nothing would remain to his representatives but, upon the first claim being preferred, to sell the estate, and so take it from the person to whom it had been given subject to these charges. But these charges frequently extend over long periods of time, and for so long operate as impediments to its sale. Would the inconveniences of abolishing the power of making them be greater than the resulting advantages? I fear they would.

But if it is of doubtful policy to abolish the power, might it not be restricted? This question has been often asked of those who inveigh so strongly against the present powers of devise and settlement, and I have not yet seen a practical answer accompanied with the proposition of a definite plan. A limit of time is at best only a diminution of the evil complained of. It would not relieve titles from that necessity for investigation which is now the main cause of the costliness of conveyancing. If any charge of any kind is permitted, title must be looked into to see if any such charge exists, and whether the inquiry be limited to life instead of twenty-one years after, it would make little real difference in trouble or cost. It would clearly be impossible to abolish mortgages; but settlements are in fact nothing but mortgages; both are charges on the estate, and must be dealt with in like manner. If one is to be limited, so must be the other. The only difference between them is that any buyer may pay off the mortgage, but cannot pay off the settlement.

And this consideration has suggested to me the plan which I now venture to propose with considerable confidence, as calculated to meet all the difficulties of the question without inconvenient restriction of the present powers of charging. The design is not new in itself; it has been adopted by the Legislature as the natural solution of the same difficulty when it stood in the way of the ready devolution of land required for public purposes.

It is simply to apply to all land the practice adopted with respect to land required by railways, &c., namely, to permit of its being discharged at any time by any person entitled to the actual possession, from all charges and incumbrances whatsoever. We have had now sufficient experience of this process to prove that it might be adopted without serious inconvenience, and without wrong to any persons interested. When land is wanted for a railway or for public

works, whatever the burdens upon that land, they can be removed if so desired, by the rational process of a valuation and payment of the value so found into court, to abide there the establishment of any claims that may be preferred for it. The court adjusts the rights of the claimants, and distributes the fund accordingly, but in strict compliance with the provisions of the settlement or will, nor have I ever heard of any actual injustice having resulted to any person from this arrangement. I propose to extend this process to all owners. If the land has any charges upon it of any kind made by any instrument, the person in lawful possession as the owner should be empowered to apply to the Copyhold Commissioners for a discharge. They should cause the necessary investigation to be made into the validity of those charges—their values to be ascertained by competent valuers, and upon payment of such estimated values—either to the Accountant-General in Chancery, or to an officer to be specially created for the purpose, under the control of the Copyhold Commissioners, a certificate of discharge should be given to such owner, which should be equivalent to the enfranchisement of a copyhold by the Lord of the Manor.

It is unnecessary to describe the details of such a scheme, as they should govern the conduct of the Copyhold Commissioners (or of their court), in dealing with the fund thus confided to them. It would follow very nearly the same course as is already pursued with respect to the like fund when paid for the discharge of land taken by a railway.

IV. MORTGAGES.—No practical difficulty exists in the paying off of a mortgage beyond this, that it usually requires a reconveyance, and sometimes there is difficulty in discovering who is entitled to receive the mortgage money. The word difficulty in real property law always means costs. The first might be remedied by an enactment that the indorsement of a receipt upon the mortgage deed or instrument of charge shall operate as a reconveyance of the estate thereby conveyed, and a discharge of the estate from all claims under the mortgage, and the latter might be provided for by the same machinery as is suggested for the estimation, receiving the value and distributing the proceeds of other charges.

V. CONVEYANCING.—The costs of conveyancing, so much complained of, are almost entirely due to the difficulties caused by the preceding defects in the law of real property. So long as any charge whatever is permitted to be imposed upon it—that is to say—so long as the law allows a man to have any interest in real property other than actual possession, there must be an investigation into title preliminary to sale. If A sells a bale of cotton to B, he passes it directly from his own possession to that of the buyer, and that possession is good against all the world, provided that A had honest possession of it. The only exception to this rule of passing the property by delivery is in the case of stolen goods, an exception which pawnbrokers ofter discover to their serious loss. But if the owner of a bale of cotton were permitted to carve out

several interests in it, as that C should have it for a term of weeks, or D for life, or to charge it specifically with payment of commissions to E, F, and G, present or future, or even to children born of these three letters, at once there would arise the necessity for an investigation of the title of the vendor, so as to be assured that he has a right to sell entire bale, freed from all claims by others. If one such claim be found to exist, that claim must be released before a purchase could be safely made. But it would happen often that the claimant could not be found. He went to a colony, and has not been heard of. His death must be proved, or, if living, his consent to the transfer must be obtained. And so the complication grows, with ever increasing cost and vexation, to which the Statutes of Limitation offer but an imperfect impediment.

This is the actual position of real property. It is already what the bale of cotton would be in the case supposed. And to make the matter worse, this process of costly inquiry is in no way dependent on the value of the property conveyed. On the contrary, small properties are more frequently mortgaged, charged, and sold than large ones. A good marketable title, that is to say, such an one as a person contracting to buy land would be compelled to take, is as necessary to the sale of a cottage worth 40*s.* a year, as to an estate of 40,000*l.* a year, and the burden of inquiry, of requisition of proof, of precluding claims actual and possible, and removing charges is imposed upon by the buyer and seller of a cottage equally with the buyer and seller of a county. They who talk so glibly in speeches, and wax so eloquent at land leagues, on the proposal for making the transfer of land as easy and inexpensive as the transfer of a bale of cotton, are wholly ignorant of the true causes of the difficulty which nobody denies. One looks in vain through the essays and speeches even of the most philosophical of land law reformers for a practical remedy for the grievance of which they complain. In point of fact, they have none, and, under cover of a desire to reform the existing law, they are seeking its entire subversion. Their cry is for more easy transfer, in which all reasonable men are with them, asking only for a rational and really practicable scheme for simplifying and cheapening the transfer of real property; but their real aim is to change its tenure. For a working plan of the land law reform which all would welcome, and none more than the owners of real property, who are the only persons whom the existing system oppresses, resort must be had to the experienced lawyer in his chambers, and not to the philosopher in his study.

Turning, then, to the practical lawyers, how would they propose to cheapen conveyancing. The reforms suggested in the preceding portion of this paper would do much towards abbreviating the proof of title, and especially the proposed power of discharge. By help of this profession the Statutes of Limitation might be further extended. But that which most of all would abbreviate the labour and cost of title making would be a compulsory register of incum-

brances of all kinds. All claims on real property, accompanied by actual possession, ought to be registered in the locality, either in the county or in the union in which the land so charged is situate. The actual possessor of real property is always known, for his name is in the rate book, his acts are public. But a man who has an interest in an estate, but only in contemplation of law, and not by any ostensible holding of it, or of any parts of it, but only as it were metaphysically, is surely subject to no injustice or even hardship if compelled to give a local habitation to his ideal rights over a substantial property by registering them where their existence may be instantly ascertained by all who have occasion to deal with the substance of that property. A register of actual transfers of the estate itself would be useful; but infinitely more important is the registration of all charges, not accompanied with actual possession. This alone would reduce the costs of transfer of real property by three-fourths, for at least that portion of the entire costs proceeds, as I have shown before, from the necessity for research into the existence of charges and incumbrances. But the law to be effective must be peremptory. No charge whatever must be permitted to be valid unless registered.

Some very slight diminution of cost might be produced by the abbreviation of conveyances, and especially of mortgages. They are shorter now than formerly, but they would endure a good deal of clipping still. All the usual covenants might safely be declared to be implied from the nature of the conveyance, unless expressly excluded. It might be enacted that a mortgage shall imply all the usual powers of sale, &c., unless expressly excluded, and so forth. But the smallest portion of the expenses of a transfer are those of drawing and engrossing the conveyance. The real burden, as I have said before, is the inquiry into title.

Lord Derby suggested, as the best foundation for future reforms in real property law, the construction by a qualified commission of a new Domesday Book. The idea is admirable, and ought to be adopted. But it would be a work of time, and in the meanwhile there are sources of information from which valuable particulars as to the actual position of landholding in the United Kingdom might be gathered, without which no legislation can be satisfactorily conducted. The poor rates supplemented by the registers of voters would supply the numbers, the extent and the rentals of every separate estate in real property, and also what of them are occupied by the owners, what by tenants. A few weeks would suffice for the collection of this information, and it would be derived from sources open to no suspicion, because it is already collected for public purposes, with vigilant eyes upon it, by competent officers, having full knowledge of value in their localities. As land law reform must soon become a question for discussion in Parliament, I venture to suggest to the Government the propriety of immediately providing statistics, so needful alike for legislation or for debate.

Mr. W. Sykes Ward, of Leeds, read "Suggestions for Facilitating the Transfer of Land." The author assumed it was generally considered desirable to diminish the expense, and to make the title to any estate as safe, and to enable it to be as easily transferred as the title to stock and shares in public securities or railways, so far as such purpose could be effected without any injustice to public or private rights, and submitted for discussion the following proposals:—(1.) To alter the practice on contracts for sale of land by limiting the obligation of the vendor to make out such title as is plainly stated on the face of the contracts, and that on an open contract a vendor shall only be bound to shew such title as he has. (2.) That the undisturbed possession of land for twenty years by a vendor *primâ facie* seized in fee, shall be sufficient title to enable him to sell and convey such land with an indefeasible title to a purchaser; and that undisturbed possession for ten years, after a conveyance in fee on a purchase for a valuable consideration, and on a duly executed purchase deed, shall enable a vendor to confer an indefeasible title to a purchaser, and without admitting any exception on behalf of any person labouring under any disability. (3.) That any person aggrieved by any wrongful sale of land shall not, unless, previously to such sale, he shall have given to or affected the purchaser with positive notice, be entitled to follow the land, but shall have a remedy against the fraudulent vendor for double value of the estate of which he is deprived, and also by criminal proceedings. (4.) That a vendor shall be at liberty to make a solemn declaration that he is lawfully seised, has good right to convey, and that he has no notice of any incumbrances. That on such declaration, if untrue, the vendor shall be liable to punishment for misdemeanour, and to make good any loss to any person injured thereby. And that the production of such declaration when required, for supporting any proceedings thereon, coupled with proof that the purchaser has had due production of title deeds to him, shall exonerate the land, and also the purchaser. (5.) That the overseers of the poor shall insert in the rate-books of the parish or district the names of all freeholders, inserting the name alone if such freeholder be the sole person having any interest, and inserting the name and others where the estate is qualified, as in the case of trust or mortgage. That any person claiming an estate in land may apply to have his name inserted in the rating, such application to be complied with on a written authority from previous owner, or on the order of a judge of the County Court of the district; a false or groundless claim to subject claimant to costs, and such damages as the judge may award. The rate-book may, in such cases, be produced, and be admissible in evidence as a register of possession. (6.) That all recitals in deeds should be verified by a declaration that they are true, such declaration to have the effect of an affidavit, and to be conclusive evidence after twenty years, but that the recital of a deed should not be noticed beyond the purport of the recital. (7.) That the provisions of the Statute 8 & 9 Vict. c. 112, should be extended to

outstanding legal estates in any person dead, or not to be found within the jurisdiction, unless continued by new appointments in case of trustees. (8.) The Statutes 2 & 3 Ann, c. 4; 4 & 5 Ann, c. 18, and 6 Ann, c. 35, constituting the register of deeds for the West Riding of York, to be extended to all counties. If such alterations could be effected, he said, there would not be much to desire, either in the further diminution of expense or the safety of tenure, and each of such, if such alterations were taken singly, would effect considerable and very advantageous changes.

A paper by Professor JACOB WALEY was read, containing "Suggestions for Facilitating the Transfer and Disposition of Land."* He did not depreciate the advantages of a system of State registration of owners and transfer of land; but the officers charged with the carrying out of the Land Transfer Act of 1862 should be invested with much larger powers. He did not think the Continental system of sale and purchase of land would suit this country. It appeared more than probable that any change in the land laws, not involving the complete reconstruction of our social system, would not have the effect of materially diffusing the ownership of land. Still, increased facilities for the transfer and disposal of land might be introduced with advantage. He proposed—(1st.) That five years should be the limit (and not twenty years as at present) for the assertion of dormant or displaced claims. (2nd.) That adverse possession should operate against the estate; that is to say, not merely against the limited owner during the currency of whose interest the adverse possession takes place, but against the whole series of owners having successive interests, who for this purpose shall be considered as represented by the owner entitled to the possession barred by the non-assertion of his rights. (3rd.) In order to protect the purchaser against concealed incumbrances, the law should require as a condition of the settlement of land against a subsequent purchaser, that this settlement should be enrolled in the Common Pleas. (4th.) Estates tail should exist only for purposes of defining and limiting the devolution of the land so long as it was not disposed of by the act of the tenant in tail. (5th.) The personal representative of a deceased owner of land should have power to sell or mortgage the real estate of the deceased, and receive the money. (6th.) A limited owner in possession should have power to lease or sell the estate for any purpose for which it is best adapted by an application to the Court of Chancery, which should appoint trustees to receive the money, and hold it in trusts corresponding to the interests in the land.

DISCUSSION.

Mr. WILLIAM FOWLER, M.P., thought people did not sufficiently appreciate the importance of this subject economically. Lord Derby in his recent speech at Liverpool expressed an opinion that the actual agricultural produce of this

* This paper is printed in full in the "Sessional Proceedings" of 1871-2.

country was not more than half what it ought to be. Now it was held by the highest authorities that we raised from 9,000,000 to 10,000,000 quarters of wheat, and we required about an equal quantity from abroad. This represented about 25,000,000*l.* If, then, Lord Derby was correct, we ought not to require a single quarter of wheat from abroad, and we ought to produce 7,000,000 more quarters of barley, which would be worth about 10,000,000*l.*, and about 8,000,000 quarters of oats, worth about 8,000,000*l.* Then, as to potatoes, even supposing the quantity produced here only equalled the average production of France, we ought to raise about 200,000,000 bushels additional. We had 9,000,000 head of cattle, and more than 32,000,000 sheep; but we ought, according to Lord Derby, to have double the number. 9,000,000 head of cattle were worth about 63,000,000*l.* according to the old calculation, but at the present time he should think the sum was nearer 90,000,000*l.* He was not enough of a farmer to say precisely what their annual production ought to be taken at, but it ought not to be much less than 10 per cent. upon their value. Taking the milk, calves, &c., the produce of 9,235,000 cattle must be enormous, and he understood that the wool alone from 32,000,000 sheep and lambs might be fairly calculated at 5,000,000*l.* In one way or another they would produce another 10,000,000*l.* Thus, without reference to the pastures and the food they supplied to cattle, or to the large extent of arable land in grass, there ought to be an additional production far more than equal to the whole taxation of the country. He believed, indeed, that Lord Derby's statement was under the mark, and that were the whole country cultivated as very large areas of it were, we should have more than double the present production. The wheat alone was an immense consideration, and some people were frightened at the sum we had to pay for foreign wheat, but according to Lord Derby we ought not to pay a farthing. Lord Derby regarded more capital as the one thing wanted, which was doubtless the fact, but he added that we must look not so much to the landlords as to the tenants for it. His lordship thought what was wanted from the landlord, was much less that he should put a large amount of capital on the land—though that was of course desirable—than that he should offer no obstacle to its being put upon it by the tenant. Now, with great deference to so large a landowner as Lord Derby, it appeared to him that the tenant could not be expected to put up cottages, and drain the land, and make permanent improvements. Proper cultivation and good manure might be expected from the tenant, but the landlords must be willing to find a large amount of capital, and to put the land in such a position as regarded cottages, farm buildings, &c., as would enable the tenant to apply his capital advantageously. According to French economists, the reason why this country was so far ahead of other countries with regard to agriculture in many respects, and why the average production of wheat per acre was so much higher than in France, was because we put so much more capital on the land. The reason of this was to a large extent because we had so many rich proprietors. Now we wanted more rich proprietors, no matter whether large or small ones. Some of the best managed estates in the country were the largest ones, and owned by men with the largest means, who used those means conscientiously. There were many such, and we owed our position largely to the enterprise of such men, but they were exceptional cases, and over a large part of the country agriculture was in a most backward condition. He had come to the same conclusion as Serjeant Cox and Mr. Hobhouse, that we could not expect capital to be laid out upon the land by limited owners. A tenant for life would not, as a rule, lay out much money, unless he had such an enormous income that he could do all that was required from the landowner and take care of his family as well. The duty of a man with 5000*l.* or 6000*l.* a year, the whole settled on his eldest son, perhaps before he was born, was to provide for his younger children. Could such a man lay out money in cottages and draining? The thing was impossible. Were it done Lord Derby would not be able to say that our production was not half what it ought to be. Lord Derby was for giving leases, against which he had not a word to say, though they were unpopular with many farmers. It was an extremely small remedy, for it only assisted the tenant's capital to come upon the land and did not remove the restriction on the landlord's capital. The tenant for life, as Mr. Hobhouse had remarked, was in a false position. It had been said, he believed truly, that 70 per cent. of the land of this country was thus held by men

who, unless enormously wealthy, could not do justice to it. If this matter only affected the farmers, it might be said that they could take care of themselves, but the mass of the people were affected. We had a law which directly discouraged the application of capital to the soil, and thereby seriously diminished production. The labourer had consequently to pay much more for his food, and the scale of wages was directly diminished, so that the money he earned was lessened, and the price of necessaries was at the same time enhanced. Morally the question went even deeper, as shown by the reports which had been referred to. The Bishop of Manchester, on going through 300 parishes in Norfolk, Suffolk, Essex, and Gloucestershire, found only four where the cottages of the poor were what they ought to be. Indeed, his description read more like that of some backward part of Italy, or like England in the reign of Henry VIII. The main cause was the poverty of the landowner. If he was poor he could not build cottages, and who could expect the farmer to do so, when everybody knew that they paid only indirectly, by the labourer being close to his work, not in the way of interest on the outlay. It was a crying disgrace that with enormous wealth waiting for investment, the cottages of the poor should be in such a condition. Moreover, the law made the land unmarketable. It made it a habit to buy large quantities of land not for cultivation but for luxury and enjoyment; the buying of land in small portions by men with sufficient capital for those portions not being the custom of the country. He was no advocate for the forcible division of estates, a system which he believed was failing over the continent wherever it existed, but there should be no hindrance to men of small means going into the market. Any law which locked up the land and compelled an embarrassed owner to hold it—hundreds would be thankful to sell if they could—a law which kept land out of the market not only enhanced the price and made it the habit to buy land as a luxury rather than as a business, but diminished the amount of capital applied to it. He had heard it estimated that this country saved 2,000,000*l.* a week, and people were at their wit's end how to invest it. Now the development of the resources of our land was a mine of wealth. Much had been said about registration. He agreed with Mr. Hobhouse that every bit of land must be held by some one in fee simple, who must be able to transfer it as easily as bank stock. Equitable mortgages prevailed in Yorkshire. A man bought a small house and could not afford to lock up the money permanently, so he borrowed 1000*l.* of his banker for a year, an arrangement which suited both parties well. Under any system of registration which required every charge to be upon the register, these men would not dare to buy because everybody in the town would know all about their affairs. The land would consequently become less marketable than at present. Perhaps, however, some certificate of registration, to be deposited with the banker, would avoid this difficulty. Simply making it impossible to settle beyond existing lives would do little good. A settlement now took place on the son coming of age, but it could then be deferred until he married and had a child, when there would be a settlement on three generations as now. The number of life estates would be reduced indeed, but there would still be so large a number that the effect would be disappointing. There ought to be only ownerships in fee simple, subject, perhaps, to provisions for minorities and for women. He disputed the axiom that the same rule should be applicable to personal as to real estate. Whether A or B held bank or railway stock was quite immaterial to the community, but if one was rich and the other poor, there was a great difference to the community which held land. The law as to personalty might, therefore, for the convenience of families, be left as at present. The notion that the Government should take the land and farm it out was worse than visionary; it was revolutionary, and would make the title to property of every kind insecure, for even personalty might share the same treatment. As to Mr. Mill's proposal, it would be unwise to cast uncertainty on the ownership of the natural increment of property. If a man's right to that increment depended on the decision of a government valuer, the rich man would fight shy of investment and would put out his money in America rather than in a country subject to the caprice of government valuation. Nor had he any sympathy with those who wished to secure to a son, however great a blackguard he might be, a certain share of his father's inheritance. The very law which was complained of in England ensured to a scamp the inheritance of his father, and the French law

also made the division compulsory both as regarded personalty and realty, the result being that in one department of France 2000 acres were divided into 5000 parcels. It was true the results were not so disastrous as might be supposed at first sight, but the law was wrong in principle, and our English idea that the father was the natural legislator of the family was the true solution of our difficulty. He would give the father the fee simple of his estate, and allow him to divide it among his children as he liked, except that he should not, when in his grave, settle the devolution of the property sixty years hence. This was a growing question, demanding anxious attention, and it ought to be settled on sound principles.

Mr. J. T. Hoskyns (London), from the point of view of the Land Tenure Reform Association, said he would explain that they did not propose to confiscate a shilling's worth of property, that they acquiesced in the principle of individual ownership, and that they had nothing to do with schemes of nationalization. The Association was for intercepting, by means of taxation, any unearned increase in the rent of land. Land became more valuable through the growth of population, the consequently increased demand for food, as, also, by its becoming building land; and they would intercept at least part of the increased value not due to the owner's own exertions. He did not say all but, at least, half that increase should go to the State. Were the State to take all it would be taxing foresight and providence. Builders, for instance, who bought long leasehold properties, and sold the ground rents at twenty years' purchase, would find themselves in a difficulty, but, on the principle of the public good, half the unearned increase might be appropriated. Of course a person would retain the whole value of improvements actually made by himself. In ancient times the land bore all the burdens of the State; and the Kings of France bore all the expenses of their court out of their own domains.

Mr. James Howard, M.P., here rose to order, and the Chairman ruled that these larger questions, interesting and important as they are, were not raised by Mr. Hobhouse's paper.

Mr. Hoskyns, passing on to the law of primogeniture, denounced it as iniquitous to women and younger sons. It was true it might be defeated by will, but the State thereby declared it just to enrich one son at the expense of the rest of the family, thus fostering what Mr. Fawcett deemed the besetting sin of the English —the desire to found a family. He was inclined to the Norwegian system of devolution. In case of intestacy the land was not divided—a plan liable to economical objections—but it fell to the wife and children in equal portions, and each in turn had the option of buying up the shares of the rest. If the wife and the children, on their coming of age, all waived this option, the property was sold, and the proceeds divided equally. One objection to entails was that a life owner would not apply his capital to the soil, but felt it his duty to provide for his wife and younger children, whereas the application of capital to the land was beneficial to the whole community.

Mr. James Howard, M.P., commenting on the doctrine put forward in some quarters that the land belonged to the whole people, remarked that this was true in the sense of England belonging to the English. If, however, it meant that people with no property of their own had a right to a beneficial interest in the property of others, the doctrine was a very dangerous one. He had read the proposals of Mr. Mill and the Land Tenure Reform Association, but had never seen any practical mode of carrying the principle into effect. Who was to ascertain the "unearned increase?" An increase in the wealth of the country of course increased the purchasing power of the country, and the price of everything, and the Legislature would never deal with property in land on other principles than those applied to other property. The law was at present in an unsatisfactory position. Any law which hampered the distribution of property was injurious to the body politic, especially when applied to land, which was limited in quantity. Any legislation as to the tenure and transfer of land should not aim either at accumulation or subdivision, for that should be left to natural laws and would right itself, though after the operation of the existing laws, many years must elapse before the evils they had caused were removed. In Belgium, which he visited two years ago, the buyer and seller of land went to the land court in the

provincial town, having no need of a lawyer's services, and the registrar turned to the folio where the land was registered and mapped, whereupon a document transferring it was signed. In America, four or five years ago, he found a similar system. Every estate was registered, numbered, and mapped, not only in the State Court, but at Washington, buyer and seller effecting the transfer before the registrar in the State Court, and the registrar transmitting to Washington an account of the sale. A survey, however, as proposed by Lord Derby, was essential to a proper registration, as also a searching investigation of title, so that a buyer might know he was purchasing what could not be questioned. He agreed with Lord Derby and with Mr. Fowler that the produce of the country might be enormously increased both in corn and cattle. More capital was wanted, but the present laws hindered the application of capital to farming. Poor landlords could not put up the buildings required for increased stock. Beef was not now grown in grass fields, but manufactured in homesteads, the system on the best managed farms being equal in uniformity and method to any of our best manufactures. Farms, indeed, were becoming great manufactories of beef and mutton. Leases could do something, but there were serious objections to them. During the last three or four years of a lease a man was taking out of the farm what he put into it previously. To induce farmers with capital to embark their money in the cultivation of the soil, there must be security of tenure. A man must have an interest in any improvements he effected on land belonging to another. He had known scores of men of intelligence and public spirit who had been brought up to farming, but who, owing to the want of this security, invested their capital in other pursuits. An Encumbered Estates Commission, and Court, would be very beneficial to the country, for the resources of the soil would never be developed while there were impoverished and greedy landlords who refused to the tenant the security of tenure essential to the embarcation of capital, nor would the poor be housed and fed as they ought to be. Were the transfer of land made easier, as recommended by Mr. Hobhouse, there would be a greater distribution of wealth in the farming of land, capital would flow into it, and the whole country would be benefited.

Mr. W. S. Ward (Leeds), as a solicitor, would enable a working man to buy a plot of land, build a house on it, and dispose of it as easily as of any other commodity. He objected to any system of registration beyond that existing in the West Riding, and doubted whether even that was beneficial. A solicitor must go and search the register, though in some cases he might dispense with it, relying on his knowledge of the parties, and there was a charge which, though small in itself, was considerable in the aggregate. The solicitors in the West Riding would, almost to a man, be opposed to any central registration, on account of the expense it would attach to small transactions. A reform of conveyancing should begin at the beginning, viz., at the contract of sale, which, owing to a series of decisions, implied a great deal which it did not express. Unless the contract negatived a great many things, the vendor was put to a serious expense by the investigation of title. Under an open contract a vendor should only be bound to give the title he actually had. Such voluminous documents as conditions of sale were a serious expense in disposing of small properties, but it was worse if the vendor attempted to do without them and to give what scarcely existed, namely, a marketable title. Ten years after the completion of the purchase the title should be indefeasible. Let the vendor make a declaration that he was seised, and let him take the consequences of a false declaration, but let the innocent purchaser be protected.

Mr. C. J. Greece (Reigate), as another solicitor, maintained that the construction of a contract of sale was perfectly rational, its principle being that a man should be bound to show what he had to sell if he undertook to sell it. How upon any other basis could the purchaser adjust the price?

Mr. Edward Jenkins (London), having been supposed to hold socialist and subversive views, wished for an opportunity of proving himself neither a socialist nor a communist. To free the land from the many restrictions under which it now rested was the proper antidote to such views. Those opinions were being advocated, and it was necessary to meet them openly, and show that there were strictly constitutional methods whereby, by a slow, perhaps, but sure process, the land could be freed as reasonably as was consistent with the preservation of

social relations from many of its restrictions. In looking at the question too much from the legal point of view, and with too little consideration for the interests of large masses of people who felt themselves interested, there might be a danger of overlooking what they deemed their rights and claims. It was advisable at the outset to ask what was the end we had in view. Some gentlemen looked upon this as purely an economical question, as a question how the acreage of the country could be so utilized as to produce the greatest possible return, but the consideration should also be kept in view how an enormous and increasing population were to be supported out of the land. For his own part he had less sympathy with those who desired to see so many bushels of wheat grown to the acre, though that was of course important, than with the question how many people this country could maintain. Mr. Hobhouse had, perhaps, intentionally avoided touching on the restrictions on facilities of transfer, occasioned by the system of leases, especially long leases; and under his suggestions such leases would apparently go to the wall. Now this was an unfortunate matter, especially with reference to the natural expansion of large towns. In one large town in the south of England, where property was held under a long lease, the natural growth of the town was in a certain direction, but owing to the interposition of a vast park and estate it had to be diverted to another end of the town, and the people living there had to be turned out, and obliged to live further out. There were similar cases in London and elsewhere. Another point which Mr. Hobhouse had not noticed was the tenure of land in perpetuity by corporations and charities. He thought eventually we must come to this, that no corporation or charity should be permitted to hold any land except in use for the purposes to which it devoted itself. They could invest their money in the funds, or other ways, and it was inadvisable to allow them to hold large estates practically in mortmain. In this way a large extent of land here and in Ireland would be freed. He did not quite understand the suggestion that absolute ownership only should be registered, and that land should only be held in fee simple. Were equities to be recognised? (The Chairman—No.) Taking shipping as an analogy, equities in ownership had had to be recognised, and he thought that, under whatever land system, the same thing would have to be done. Then, too, whatever facilities of transfer were proposed, the larger questions, and the claims put forward with such pertinacity and increasing earnestness by people outside, would have to be faced. Mr. Hobhouse anticipated great difficulty in effecting the slight and reasonable reforms which he advocated. Now, while this difficulty was being surmounted, he feared there would be a rush of people from outside who would try to settle the question for themselves. If land law reforms merely aimed at facilitating the investment of capital in the land, and in increasing its produce, he was convinced that before many years the present difficulties would be actually increased. The people were being squeezed off the land into the great towns. Now was this a proper economical operation? The question was not whether thirty or forty bushels per acre were produced, but whether the acre ought to maintain a certain number of people. If subdivision and settling the people on the land were not to be aimed at, they must face the problem what they were going to do with the people. Mr. Hobhouse's proposals would mitigate the cries of the people outside, and facilitate all classes of the community in getting at the land, but he himself would go further. There would be great battles over the propriety of allowing a man to regulate his property after his death. A dead man, he considered, had no right to the disposal of his property. He held it in trust for society, and though he would be content for the present with Mr. Locke King's Bill, he held, theoretically, that it was for society to dictate the terms on which he should transmit it. If the desirability and constant marketability of property were to be studied, something like the French system must be adopted. He believed that in Upper Canada one-third of a man's property necessarily devolved at his death on the wife, and one-third on the children, the other third only being at his free disposal. Mr. Hobhouse's objection to a man being obliged to leave his property to a bad son appeared at first sight a strong one, but what did it amount to? It might be said that the more bad sons the aristocracy had the better, economically, for the country, for it led to the distribution of estates. He did not look at it from that point of view, but the evil of leaving property to a bad son was so small compared with the advantage to the community of the division of property among

all the children that it was not worth while to take it into account. It ought not to obstruct a great economical reform. As an inquirer he was anxious for a clearer conception of the point to be aimed at, and he feared that the Chairman's and Mr. Hobhouse's aim would conflict with the general opinion of the country, whereas, if without revolutionary measures or injustice the relations of land could be so adjusted that the largest number of people might be maintained by, and live upon it, that object would go hand in hand with all the reforms which had been advocated, and peace and good-will would be maintained between all classes of society.

Mr. PERCY BUNTING (London) said this was a mixed question of policy and legal machinery, and that without a powerful breath of public opinion there was no chance of carrying even reforms advocated from a legal point of view alone. Without such a registry as proposed by Mr. Hobhouse, all attempts at a reform of conveyancing would fail, for conveyancing could never be a small matter, and unless a certain portion of it could be separated so as to make the transfer of land easy, there could be no great reform. The great principle was the registration of ownerships in fee simple. At present all questions of title had to be gone into *de novo* at every transaction, whereas after the matter had once been investigated, and a purchaser had accepted the title, there should be some competent authority to say that the title was clear. There must be a record-taking account of all past transactions. The public having already got a register, though a bad one, would not recede from that principle, and the register was a broad issue, which could be put before them, whereas small reforms they would not understand. He objected to beneficial interests or equities being protected by notices or anything else, for complicated arrangements should not be allowed to tie up the land. A system of notices would oblige the purchaser to deal with almost as complicated a title as at present, whereas the register ought to show him at once what persons were interested in the property. In a commercial country with so many intricate dealings, complicated trusts could not be got rid of, and wherever attempts had been made to destroy equities, as in the case of shipping, there had either been gigantic frauds, or honourable understandings, which tied up the property as much as at first. It was not simplicity of registry which should be considered, but the saving of trouble to the purchaser. If lawyers would show as much skill in framing a good Act on this subject as they had done in defeating reforms, the principle of a stock registry would offer no serious difficulties.

Mr. ROBERT ARTHINGTON (Leeds) suggested a redistribution of the country into symmetrical districts for municipal, legal, and other purposes. As to the law of mortmain, any amount of personalty could be bequeathed for charitable purposes, and this could be invested in land, so that the law was set at defiance. He would suggest a provision that any land left for benevolent objects should be sold by auction within a stated period after the testator's death.

Mr. W. E. SHIRLEY (Doncaster) differed from Mr. Hobhouse's statement that the inevitable tendency of the present system of conveyancing was to drift into litigation, and that after all there was no security. If people drifted into litigation it was because they did not observe the proper laws of conveyancing, like people who made their own wills, or tried to transact their legal business themselves. Reliance could be placed on the principles on which conveyancing was founded. Did anybody ever hear of a man buying an estate, having the conveyance duly made, paying the purchase-money and taking possession, and then being dispossessed?

The CHAIRMAN (Mr. Vernon Harcourt) said the Lord Chancellor had mentioned the case of Mr. Brodie, an ancient conveyancer, who lost 30,000*l.* by a bad mortgage.

Mr. SHIRLEY admitted that if a man advanced money on an imperfect security, he might lose it. The question of mortgages was a different one from that now under discussion. Could anything be simpler than an ordinary conveyance? Of course there must be the names of the parties, the description of the property, and the operative word "grant," and then the substance of it was there. The will of man could not devise a simpler or clearer form than at present. Serjeant Cox had suggested an endorsement on the back of the mortgage instead of a reconveyance, and this was already done under the Building Societies' Act. A limitation

of time would be a great improvement. Who ever wanted a sixty years' title? He had hardly ever heard of such a thing in the case of any property, large or small. A common debt was barred after six years, and a six years' limitation ought to be substituted for twenty. Another improvement would be the remuneration of solicitors on the *ad valorem* principle. The Incorporated Law Society had drawn up and circulated a form for that purpose and were recommending its adoption. He did not quite understand what would be put on the register, and as to the registration of indefeasible titles there was never a greater sham. Everybody came out of the court with a feeling of relief, the trouble and expense being something beyond belief. If, as Serjeant Cox suggested, no incumbrance was valid which was not on the face of the register, nobody temporarily embarrassed could get a loan from his banker or solicitor without registering it, like a bill of sale. Every week for the last fifteen years there appeared a list of the bills of sale registered all over the kingdom, so that the moment a man raised money everybody knew it. The productiveness of the land was quite a distinct question, and not a blade more of corn would be grown through the cheapening of conveyancing. Land had been spoken of as acreage simply, but it included houses, mines, &c., and the law applicable to agricultural land would apply also to the other, so that a house could not be left to a widow for life, nor a factory disposed of except in fee simple. As to transferring land in America without solicitors, depend upon it we could never do without lawyers. As long as England was rich, enterprising and free, the law would exercise a predominant influence and would open to genius, learning, and integrity the noblest avenues to distinction.

Mr. T. Webster, Q.C., thought the limitation of time for titles would be a great improvement. He protested against the doctrines involved in Mr. Jenkins's speech. No doubt the towns had increased very rapidly, but the facility of employment there, and the amenities of life which were daily becoming more necessary, were among the great incentives to accumulation in towns. He did not deny the difficulty experienced by townspeople, such as small tradesmen and skilled artisans, in acquiring small holdings of land, and it was desirable to facilitate such acquisition, but property ought not to be recast and the country divided on the principles of Mr. Mill. He was favourable to the registration of land, which might be based on a new Doomsday Book, for which there were ample materials in the ordnance surveys and the rate books. He admitted the right of the State to deal, if necessary, with individual rights, and to redistribute property. This had been done in the case of railways, waterworks, and gasworks. The great thing which was wanted was facility of transfer.

Mr. H. R. Droop (London) objected to registration of titles. Lord Westbury's scheme, which it was said was too elaborate, comprising not only the fee simple, but all other interests, had admittedly failed. It seemed likely, however, to be imitated in Germany. A system of registration equally fitted for a nobleman's estate and a workman's cottage, would be very difficult. Minute details would have to be gone into for the purpose of protecting the smallest interests, but in the case of large estates these ought to be neglected in order to save expense. One plan would be to register the fee simple, and have a separate set of deeds relating to the equitable interests. It would be a great inconvenience to many to have to go to a registry, whether in London or the provinces. The Stock Registry was established 170 years ago, and within the last few years a system had arisen of transferring personalty by dock warrants and instruments transferable on delivery. It would be more convenient to imitate the latter than the Stock Registry. English and French stocks were transferred in books, but almost all others by delivery or assignment. He thought that simplifying conveyancing would do nearly all that was wanted. It might be provided that no transfer should be valid unless a notice of it was endorsed on the previous deed. It would of course be necessary also to have certificates of indefeasible title. Perhaps the best plan would be to have the title investigated, and then get some association to insure against any defects. If a title was not indefeasible, either the defects should be certified, or an insurance company should insure them. One evil was that to find out anything about a title one must first ascertain what the law was at various periods, and exceptional Acts of Parliament were also very troublesome, mortgages being released under the Building Societies Act in a way different from other mortgages.

An investigation of the law of property by conveyancers would do more to cheapen conveyancing than registration of title would. As to settlements, they created new families rather than kept up old ones. In England a man who got rich bought a large estate and left it to his son for life with remainder to his children, so that the son was obliged to stay there and become a country gentleman, whereas in America a man left his property absolutely to his son, who perhaps would go to Paris and squander it, or would embark in great speculations. The latter was the case also in Germany sometimes, though the sons of rich merchants often bought large estates in the country and settled there. He agreed with Mr. Hobhouse that the abolition of settlements would give large landowners increased power, and this seemed to him a political danger. Men like the Marquis of Westminster and Lord Derby would have enormous political power if all their property was at their free disposal.

The CHAIRMAN: The late Lord Derby's property was not settled, he was owner in fee simple. I do not know how it is at present.

Mr. DROOP understood that in the United States the want of a law of settlement was being felt, and that a system of homestead rights was being created, protecting for the wife and children the house in which a man lived, or the land belonging to it, against seizure by his creditors.

Mr. E. C. CLARK suggested that charges on the land should be inserted in the register. The system of notices would perpetuate the worst evils of the present system. The register might be made cumbrous by including charges, but this would be better than having them taken notice of afresh at every change of hands. The failure of the present registry might be attributed to its being permissive.

Mr. W. T. S. DANIEL, Q.C., remarked that registration would simply be a return to the old principle. The old Common Law based itself on publicity, and the old feoffment required the feoffor to go with the feoffee upon the land, that he might deliver possession of it to him in the presence of the neighbours. In those simple and happy times when no man coveted his neighbour's land, this was sufficient. Lawyers endeavoured to get rid of this publicity prior to the Statute of Uses by secret liens and interests. That Statute was intended to be of great value, but the unfortunate construction put upon it immediately restored that secret conveyancing in which lawyers delighted. We were indebted to Serjeant Moore for the invention of the conveyance by lease and release, which, after the Statute of Uses had been passed, enabled persons by a conveyance operating under the Statute to create afresh secret conveyances. What had been the consequence? Statesmen and jurists had been struggling for centuries to effect the object of the Common Law, and the register was but a substitute for the old feoffment, on a more convenient and enduring footing than memory or tradition. As to charges, people had a notion, arising out of the complexity of the present system, that they were never safe unless they had that dreadful thing called a legal estate. Why should not a mortgage be a charge? He had observed the practical advantage of the simple form of getting rid of a mortgage provided by the Building Societies Act. The receipt on the back of the deed was equivalent to a reconveyance, and all the acumen of country practitioners had failed to pick a hole in it. If equitable mortgages could only be temporary, like bills of sale, and if mere adventurers could for their private ends obtain information which was really of interest only to the parties concerned, it would be a serious, if not fatal objection to the register; but if he understood Mr. Hobhouse's scheme, the register would be analogous to a caveat in the stock register, not disclosing what the transaction was, but simply recording the fact that A B had an interest, so that the transfer could not be made without his consent. The register, moreover, would not be a public document accessible to everybody, but would be preserved for production to the parties interested, no person being entitled out of curiosity, or any other than a *bonâ fide* interest to search it. A banker making a loan would simply have to take care that a caveat appeared on the face of the register, protecting him, but giving no information to any one else. As to primogeniture, those who had profited by the valuable works of Joshua Williams knew perfectly well that it was a mere question of convenience, and that no difficulty was felt until the political element was introduced into it. Where there was a free right of alienation by deed or will, devolutions in cases of intestacy was a question of convenience only. He agreed

with Mr. Hobhouse that the Statute of Distributions made as good a will as regarded personalty as a man could, under ordinary circumstances, make for himself. It was suggested twenty-five years ago that there should be a representative of the real, as of the personal estate, and that there should be no descent of the inheritance, the interest of the realty vesting in the representative, with the same capacity for dealing with it as with the personalty. The two together would form the property of the deceased, out of which his debts should be paid, the residue, if there were no will, being distributed in the manner provided by the Statute of Distributions. The wife and children would thus be cared for. The unfortunate introduction of the political element had created all the difficulty.

Mr. HOBHOUSE, Q.C., in reply, remarked that his proposal as to the devolution of land had encountered little or no opposition. Mr. Jenkins had remarked with truth that political as well as legal considerations must be taken into account, and that the former would ultimately govern the latter. He had confined himself to legal considerations simply because he liked to talk of what he knew, and, having practised for twenty-five years, he knew something of law, whereas he knew little about politics, and hardly anything about political economy. The fact that the Chairman, Mr. Fowler, and himself had arrived, by different roads, at the same conclusion was tolerable testimony to its soundness. He could see no greater danger in permitting successive life estates than in allowing tenancies or any other kind of divided ownership to be created. The great object was the shortening of the time, and it was desirable in all reforms not to interfere with arrangements to which people had been accustomed, and which were very natural. It was natural for a man to give a life estate to his widow, with remainder to the son, and to prevent this would seriously interfere with domestic affairs. So with other convenient dispositions of property. Mr. Fowler thought settlements would merely be deferred till the birth of a grandson, but a great many settlements would never take place, on account of the eldest son not marrying or having children before the father's death. The effect of such a settlement would be to give the grandson an absolute fee simple, and if he died in infancy it would go to his father, or whoever the law designated heir. Lord Stowell was said to have settled a large sum on his son, in order to save the legacy duty, but the latter died a few weeks before his father, and Lord Stowell had to pay duty, and, under his own will, duty had to be paid again. This was just what would happen under Mr. Fowler's plan of settlement. The course of events would certainly baffle people's calculations, and they would cease to practise such tricks. People might naturally be allowed to choose out of living persons, whom they might be persuaded to know and care for, those who should have their property, carving out life-interests or annuities between them. He had purposely omitted any reference to land held by corporations and charities, the general subject being so large a one that it need not be encumbered with considerations applying only to a small extent of land. His opinion on that point did not, however, differ much from Mr. Jenkins's. He had also passed by long leases, the registration of which was dealt with fully in the reports on the subject. He saw no objection to long leases as long as the lessee had as absolute an interest as the freeholder, nor did he see that the system greatly obstructed alienation. As to building leases, to interfere with them would disturb arrangements usually made by voluntary contract and presumably meeting the convenience of the parties. He believed that in Manchester there were none, property being conveyed in fee simple on a perpetual rent charge. People, he understood, would not then look at a lease for 999 years, regarding that period as a moment. [Mr. SHIRLEY.—Both are used.] He would not interfere with either system. Mr. Shirley had disputed his statement that the present system tended to drift into litigation, and after all gave no perfect security of title, and asked whether one ever heard of a purchaser whose title had been approved by an eminent practitioner being ousted. That was doubtless very rare, because lawyers took beforehand every conceivable and inconceivable objection. In the last case in which he was engaged at the Bar, a wealthy nobleman had contracted for a considerable estate, but had been advised by a first-rate conveyancer that the title was not good, but his own counsel was of a different opinion. He consequently refused to perform the contract, and a bill was filed to compel him. He himself had to argue the matter for the defendant, who was beaten. Being still advised that the

title was not good, he was recommended to appeal, but was again beaten. Thus on a little objection about the payment of some succession duty, 1000*l.* and two years were spent, and the purchaser entered on the estate with a heavy heart. If he had seen one case he had seen a hundred in which conveyancing counsel differed as to whether a title was good, the parties breaking off the contract if they were sensible, and if not sensible fighting it out. The Report of the Commissioners of 1857, and the speech in which Lord Cairns introduced his measure, proved the litigation and insecurity which he attributed to the present system. As to the registration of equities, he had no doubt that in some form or other it must be done. For the protection of lunatics, infants, and others, property must be put in trust. In his opinion only the fee simple should be registered, all equities and subordinate interests being protected by notice. A registry had two objects, facility of transfer, and security to the holders of property, these being not only not consentaneous but conflicting. Too much security to the owners would obstruct transfer, while if transfer was perfectly easy people would make use of property behind the backs of persons interested. He proposed to reconcile this by adopting the course pursued with respect to stock. Nothing would appear on the register but absolute ownership, but anybody claiming an interest, subject to the decision of the registrar, would put a notice on the register, giving notice to the world that he had an interest, without describing what it was. A purchaser would, therefore, require the register to be cleared, and this would be easily settled in his attorney's room, whereas under the present system you had to go to the opposite attorney and convince him. The purchaser would keep the money in his pocket till the register was cleared. As to equitable mortgages, of the former, instead of taking his title deeds to his banker when he wanted a loan, would take his certificate of registry. If the banker was satisfied with that, he would have as good a security as at present, but if not he would put a notice on the register, so that the property could not be transferred without the register being cleared. There would be no publicity in it, for nobody proposed that the register should be published at Charing Cross. Access would only be given to it on the written order of the registered owner or somebody claiming under him. Thus every transaction would be conducted with as much secrecy and simplicity as now, and with much greater security, the daily transactions of life not being at all interfered with.

The CHAIRMAN, in closing the discussion, referred Mr. Shirley to some able papers contributed to the Juridical Society by Mr. Joshua Williams, in proof that a man, entering into a simple contract to sell an estate, undertook so many things that men had actually given up the property for nothing in order to get rid of the litigation in which they found themselves involved. Solicitors had met this by conditions of sale, which really meant that the purchaser must agree to take a bad legal title. Was it satisfactory that all land should practically be sold under a contract that the purchaser should accept a title not good in law? He could give an example. The son of the chief landowner in this country inherited under his father's will a great estate; a few years afterwards he married, and on the lady's solicitors examining his title it turned out that he had not a farthing in the world, though he had imagined he possessed an estate of 40,000*l.* a year. This occurred only five or six years ago. His brother, who became entitled to it, and his nephew, agreed to cure the defect, and to leave him possession. Registration had been objected to on the ground that the state of men's affairs would be published, and Mr. Shirley had referred to bills of sale. Why, however, should a man who possessed land obtain credit on different terms from the owner of other property? Why make provision for a man's unduly getting credit? Of course only persons who had an interest should be allowed to investigate the register, though anybody could examine a will for a shilling; and why should land be an exception to commercial property and wills? The notarial system in France seemed to him to give much greater security to property than was enjoyed in England. No country gentleman has had the remotest idea what his title was: indeed, he doubted whether his solicitor had either, and one of the chief reasons why registration had failed was that no landowner possessed a title which would bear investigation in law, people not liking to go through the Registration Court for fear of exposing the defects of their title. There was no such thing as a true good sixty years' legal title to scarcely any estate in the country. Now in France

ever since the time of Louis XIV., there had been notaries'-royal, and no transaction, either in realty or personalty, above a certain value, something like 10*l*., could be concluded except before the notary. He was a public officer, and on his death the register passed to his successor. How did this system work? He was engaged for the Government in arguing the case of the Baron de Bode, as to claims on lands in France arising out of the revolution of 1793. The baron succeeded before the House of Lords, and it occurred to him that the best thing was to go to Alsace and investigate on the spot the condition of the title. It was alleged that all the deeds relating to the estate had been destroyed by the revolutionists in the war of 1793, but he had reason to suspect that this was not the case. He accordingly went to Strasburg, and traced with the greatest ease the notary's book of 1793. He went to a little village and found the notary who represented the notary of 1793, and a record of the transactions of the year, first satisfying the notary that he had a *bonâ fide* interest. He came back with the entries from that book, and from the moment the baron's friends knew that the book had been found they withdrew the claim before the Committee of the House of Commons, and it had never been heard of since. Thus at any distance of time the transactions in France could be traced. How could this be done with reference to any estate in England? The baron stated that he had made a feudal cession to his son, calling a dozen old men who said they had seen it, but the moment the book, which he pretended was lost, was found it was evident that no such transaction occurred. Why was not property in England placed on that footing? He was quite aware that, irrespective of the drastic remedies of Mr. Hobhouse as to devolution and the law of settlement, many smaller remedies might be applied. One gentleman had wisely suggested that the recommendations of practical conveyancers should in the first instance be taken on that point. Nothing could be more ridiculous than the present system of mortgages. To borrow 5000*l*., you had to convey the legal estate. Why not make it a simple charge, involving a right of sale? Mr. Joshua Williams had recommended this, and had pointed out that the conveyance of the legal estate was only due to the old prejudice against the law of use, by which you could not secure the repayment of the principal, though you could secure the annual payment. The difficulty as to an intestate mortgagee and tracing out his heir in many cases would thus be got rid of. He could not conceive also why the recommendation had not been carried out that the land should *primâ facie* go to the executors. A great many of these things might, no doubt, be carried out; but Mr. Jenkins's remark had great force, that those smaller remedies did not meet the real demand for dealing with the subject. There was great danger and evil in what he had described as the people being squeezed off the land. He had himself expressed that opinion elsewhere, and had joined with Mr. Fawcett in resisting the inclosure of commons. They had succeeded for three sessions in throwing out all private enclosure Bills. He also felt strongly the expression used by Mr. Bright that unless something was done the time would come when, with the exception of a few thousand people, nobody would have a right to go anywhere except on the dusty high road. These were serious evils, and the question was how to meet them. He did not believe they could be safely or effectually met by any remedy violating the natural laws of political economy. As far as the present land law obstructed the transfer of land and prevented its passing into its natural channels in all directions whither supply and demand would lead it, he wished those obstructions removed. The consequence would probably be that when land was more easily transferred it might be more readily divided; but this would be due not to any interference with political economy, but by the operation of its laws. The thriftless man would not then be protected in the possession of an estate by artificial laws, but would part with it to those who had saved money and were able to acquire it. He could not conceive any law which would compel the subdivision of land, or under which a commodity, which must always be scarce and dear, could pass except into the hands of those able to invest their money at a comparatively low interest. Mr. Jenkins had said that the State had a right to dictate the terms on which property should be disposed of at the testator's death. Now, as a general proposition, the State had a right to dictate the terms on which property of any kind should be held, for property was the creation of the law. There was nothing revolutionary or

socialistic in that. It was the law of the land at this moment, for the law said a man should only entail on lives in being and twenty-one years afterwards, and if this was a sound principle, of course it might be modified and a shorter term fixed. Mr. Hobhouse wished merely to cut off the twenty-one years, but he should prefer the disposition to be absolute, and not contingent, even with life estates. He admitted that to debar a man from leaving property to his widow with remainder to his children, would be running counter to the sentiment of mankind, but he did not see why the property should not be left absolutely to the son, with a charge upon it for the widow, who might have power of sale if her allowance was not paid. He could not agree with Mr. Jenkins that no person should be allowed to deal with his property at all after his death.

Mr. JENKINS explained that he had not gone quite so far as this. It was simply a question of policy how far a man should be allowed to do it. Of course if he started from a larger based proposition he could afterwards modify it.

The CHAIRMAN said the State hitherto had held that a man ought not to deal with property for an indefinite time after his death. It was desirable to shorten the term still further, but the greatest motive to industry and self denial, namely, that they could not only enjoy their property but could leave it to those dearest to them must not be weakened. He would not interfere, therefore, with testamentary power. He had been struck by Mr. Fowler's economical argument. If, as had been estimated, 300,000,000*l.* per annum was lost by the imperfect cultivation of the land, the matter would have to be dealt with in some way or other. Of course by facility of transfer we could not make men manage their estates well, but we were bound to see that the law put no obstruction in the way. There would always be a certain number of people who would mismanage their estates, and farm badly, but if legal obstructions and temptations were removed the self-interest of mankind tended to promoting the interests of themselves and those around them. If the law now tended to discourage the improvement of land, the Legislature ought to amend it, so that capital might flow in that direction.

Mr. R. ARTHINGTON wished to know how the Chairman would deal with the law of mortmain.

The CHAIRMAN replied that this was not quite germane to the present discussion. He was inclined to carry the law a good deal further, and prevent altogether the disposal of land for such purposes. The tying up of land in mortmain was an aggravation of the very evils they desired to get rid of.

CONSTITUTION OF LOCAL COURTS.*

What is the best Constitution of Local Courts, and what should be their Jurisdiction?—By W. T. S. DANIEL, Q.C.

THE object of papers read before this section being to point and lead the way towards practical results, I shall endeavour to deal with the two questions—the Constitution and Jurisdiction of Local Courts—practically. In the view I take of these questions they form together only a part of the more comprehensive and general question—upon what principle should our judicial system be revised, and our courts of justice re-organized? such revision and re-organization being, I consider, a thing resolved upon, unless all the labours of the Judicature Commission are to be thrown away. The principle upon which this revision and re-organization should proceed, must, as it seems to me, be first determined before we can, for any useful purpose, apply ourselves to the consideration of the question proposed: and in the selection of the principle

* See *Transactions*, 1868, p. 205, 272.

our choice is limited to that involved in one or other of these two antagonistic systems; Centralisation or Localisation: between these two the struggle will occur. Localisation is of Saxon origin, and the more ancient, — Centralisation of Norman introduction, and the more recent. In principle centralisation is the modern representative of the *Aula Regia* with its subsequent subdivisions of Queen's Bench, Common Bench, and Exchequer, supplemented in later times by the Court of Chancery. Localisation is in principle the modern representative of the Hundred Courts, the Sheriffs' Courts, and Wittenagemote of our Saxon ancestors. In the Norman we recognise the principle of liberty enjoyed as a favour granted by authority. In the Saxon we recognise the principle of liberty enjoyed as of right, but limited and regulated by law. The choice between these two principles cannot surely be one of doubt provided it be shown that the latter principle is capable of practicable application under our existing social system.

The various changes in our courts of justice, and the various modifications of the administration of justice which at different times during the last eight centuries have been effected, whether by exercise of prerogative or Acts of the Legislature, of which the establishment of Justices in Eyre, Commissions of Assize, courts granted by Charter to cities and boroughs, Courts of Request and Conscience in populous places are instances—all these were but spasmodic efforts, more or less extensive in their operation, intended to relax the restraint involved in the Norman system of centralisation; and partially to restore to the people some of the benefits of that Saxon heritage of liberty involved in local administration, of which the Conquest had despoiled them.

For the practical consideration of the questions before us, but bearing in mind the fundamental principles which underlie them, it will suffice to limit our attention to the remarkable efforts in this direction that have been made in the present generation. The date to be assigned as the commencement of these efforts—a date within the memory of many now living, of some probably in this room, of one certainly—is February 7th, 1828, the day on which, as Lord Penzance, in his address delivered before this department, at York, in 1864, expresses it, "the greatest orator of his age delivered his celebrated oration in the House of Commons, and laid open the sweeping changes which our law required." History will not, I think, record that at that time the genius of statesmanship was extinct among us, whatever she may be compelled to do now. The Prime Minister of that day soared above the level of political partisanship, and reached the dangerous height of honest patriotism. The commissions issued by Sir Robert Peel in consequence of this speech, resulted in several useful reforms in the law; but none that materially affected the administration of justice or the organization of our courts; and Lord Brougham was obliged to toil incessantly for nearly twenty years before he could reap the first fruits of his labours in that direction. On the

28th August, 1846, the Royal assent was given to an Act for the more easy recovery of small debts in England, and which came into operation on the 1st January, 1847, 9 & 10 Vict., c. 95. In the view of the question which I venture to submit, that Act was founded upon the Saxon principle of localisation. It was, as far as it went, a return to the old lines, and is founded upon a principle which, properly modified in its application, it would be wise to accept, for further, if not general, adoption. It is a principle capable of gradual expansion; it has been gradually expanded; and the public, especially the commercial public, as they are learning by experience to appreciate its value, are calling for still further expansion. The commercial classes, through the chambers of commerce, are striving to obtain local administration by means of special tribunals of their own, and a committee of the House of Commons during the last session has reported in their favour, and of their being engrafted on the County Court system.

It is curious to observe that while the County Court system, notwithstanding some disadvantages and defects (which, however, may, I think, be easily remedied), has been gradually extended to various branches of administration till it now includes Common Law, Equity, Admiralty, and Bankruptcy, the three former within certain narrow limits, the last and latest without limit;—amendments in the reforms in the superior Courts of Law and Equity, have been treated upon a different principle. In dealing with the reforms of those courts it seems to have been assumed that centralisation is the proper principle, and that the desired results could be obtained by a partial blending of jurisdictions and procedure. The reforms suggested by the Common Law Commission of 1850, and the Chancery Commission of 1851 proceeded upon this principle of blending. By the Chancery Commission of 1852 certain powers of the Courts of Common Law were given to Courts of Equity, such as the power to decide all legal questions, and for that purpose to have the assistance of Common Law judges sitting with the Equity judges, and *viva voce* evidence was to a limited extent substituted for written depositions. By Lord Cairns's Act, 21, 22 Vict. c. 27, the Court of Chancery was empowered to try the question of fact before itself, assisted by a jury, and by Sir John Rolt's Act, 25, 26 Vict. c. 42, it was designed to make this trial compulsory, but with two reservations,—(1.) The power to send an issue out of Chancery, when it is more convenient that it should be tried at the Assizes or in a superior Court of Common Law. (2.) That the court need not decide a legal question when the matter had been improperly brought into Equity. By the Common Law Procedure Act, 1854, power was given to the superior Courts of Common Law to compel discovery on oath from the parties, to grant injunctions, to protect legal rights when violated, and to admit equitable defences to a limited extent. This patchwork system has been in operation for several years, not without some good results, but it has proved inadequate as a sufficient or satisfactory remedy for the evils of

which the public complain—delay, expense, and uncertainty. The attempt of Lord Cairns to give a discretionary power of trial by jury met with scanty success, and the earnest endeavour of Sir J. Rolt to make the exercise of that power compulsory was rendered nugatory by the practical operation of the two reservations which, as is well known, he reluctantly added to his Bill. The judges and practitioners in the Courts of Common Law do not appear to have had much difficulty in accommodating themselves to reforms that were introduced into their courts; the power to compel discovery has been very extensively and usefully exercised; that of granting injunctions, though useful to a certain extent, has proved defective because its exercise must have been preceded by an actual violation of the right (the threat or intention to do the wrong not being sufficient); and equitable defences have proved of very limited application and consequently of limited value, these being confined to cases in which the defence could be reduced to a single issue, decisive of the cause. The Judicature Commission in their report, dated 25th March, 1869, have pointed out the defective operation of this system of blending jurisdictions, and have unanimously condemned it. They say "much of the old mischief still remains, notwithstanding the changes which have been introduced," the old mischief referred to being the delay, expense, and uncertainty to which suitors are thus exposed from divided jurisdictions, and from courts acting on conflicting rules, and by means of procedure. It may, therefore, I think, be reasonably expected that the public will not sanction, nor the Legislature entertain, any scheme of reform of our judicial system which will involve further attempts at blending existing jurisdiction.

Another attempt at reform, which so far as adopted has proved mischievous, may also, I hope, be considered as not to be carried further. I mean the system of uniting separate jurisdictions in the same court. This system, though condemned by experience, and abolished years ago as regarded the old Court of Exchequer, has been recently revived in an exaggerated form in the County Courts. Speaking of these the Judicature Commissioners in their report, before referred to, say, "The present state of the County Courts may also be appropriately referred to as exhibiting the strange workings of a system of separate jurisdictions, even when exercised by the same court. The County Court has jurisdiction in Common Law cases up to 50*l.* in contracts and 10*l.* in torts; it has also equitable jurisdiction in cases where the value of the property in dispute does not exceed 500*l.*, and in at least one of such cases, namely an administrative suit, it is now competent for any County Court judge to restrain the prosecution of actions brought by creditors in any of the superior Courts of Common Law. By an Act of Parliament of last session (1868) some of the County Courts have also been invested with Admiralty jurisdiction in a large class of cases where the amount in dispute does not in some cases exceed 150*l.*, in others 300*l.*; there is an appeal in each class of cases to a Court of

Common Law, to the Court of Chancery, and to the Court of Admiralty: but these jurisdictions, though conferred on the same court and the same judge, still remain (like the Common Law and Equity sides of the old Court of Exchequer) quite distinct and separate. The judge has no power to administer in one and the same suit any combination of the different remedies which belong to the three jurisdictions, however convenient or appropriate such redress might be: that can only be accomplished under the County Court system by three distinct suits brought in the same court, before the same judge, carried on under three different forms of procedure, and controlled by three different Courts of Appeal. In this, therefore, although at first sight it appears to have obtained that great desideratum which the Common Law Commissioners call 'the consolidation of all the elements of a complete remedy in the same court;' yet as that remedy can only be had in three separate suits, the vice is equally great."

Since this report was published the Bankruptcy Act, 1869, has added to County Courts a fourth separate and distinct jurisdiction (the most important of all), the jurisdiction of Bankruptcy, with its separate procedure, separate rules of practice, and separate Court of Appeal. This newly added jurisdiction in Bankruptcy is so important, and has, in my view, so strong a bearing upon the question of the constitution of local courts and the extent of their jurisdiction, that it is worthy of detailed examination. The extent of this newly-conferred jurisdiction is greater than that ever possessed by the old Court of Bankruptcy, or than is now possessed by any of the superior Courts of Law or Equity: it is enforceable not only against parties to the litigation before it, and persons who, though not parties, voluntarily come in and submit to it (which are the limits of the jurisdiction of our superior courts), but against all persons claiming adversely; and as against such persons it has power to restrain by injunction proceedings in any other Court of Law or Equity, at home or abroad—the jurisdiction extends to all persons, traders or non-traders—peers are subject to it, and a prince of the blood would not be exempt: there is no civil person or civil right that is not amenable to its exercise: any question that may be raised as to property, real or personal, whatever the difficulties involved or amount at stake, may be the subject of decision in those courts; and where its jurisdiction has properly attached, no other court can prohibit or restrain its exercise. These characteristics are the results of the 72nd section of the Act, and the construction put upon it by Lord Justice Giffard, confirmed and followed as it has been by his successors, the present Lords Justices. The procedure provided for the exercise of this enormous jurisdiction is of the simplest kind—a notice of motion stating the object required—the evidence in support being by affidavit or *viva voce* examination of witnesses if requisite, or, if necessary, a jury may be empanelled to determine the facts. As a consequence it follows that wherever this jurisdiction is invoked actions at Law and suits in Chancery are

rendered unnecessary. Questions of fraudulent disposition of land or goods, of fraudulent preference, of order and disposition, and such like, which under the old system must have been the subject of actions in one of the superior courts generally becoming special jury cases to be tried at the assizes, with the contingent risks of remanets and references or questions reserved with leave to move,—all these subjects of litigation and every other that can arise (and many have arisen), may now, by means of this simple summary procedure, be disposed of by the County Courts sitting as District Courts of Bankruptcy.

There is, however, one feature of this jurisdiction which is remarkable for the results it produces, being an aggravation of the evils pointed out by the Judicature Commissioners. The jurisdiction in Bankruptcy, although unlimited, is not exclusive: the Courts of Chancery and Common Law still retain concurrent jurisdictions: actions may still be brought, suits in Equity may still be instituted. The reports show several instances in which actions have been brought, and bills filed under this concurrent jurisdiction; a jurisdiction, by the way, which the trustee or his legal advisers, if so disposed, could stop by timely application to the Court of Bankruptcy. Now mark the conflict which in one case has arisen, and in others may arise, out of this concurrent jurisdiction. I allude to the different views taken by the Court of Exchequer and the Chief Judge in Bankruptcy as to the rights of an execution creditor where there has been a seizure, and after the seizure, but before sale, an act of bankruptcy followed by an order of adjudication or appointment of a trustee in liquidation. The Court of Exchequer in *Pinder* v. *Slater*, L.R., 6 Ex., 228, held that the right of the execution creditor prevailed over that of the trustee: in *ex parte* Veness, L.R., 10 Eq., 419, the Chief Judge held the contrary, that the right of the trustee prevailed over that of the execution creditor. This conflict has fortunately been set at rest by the decision of the full Court of Appeal in Chancery in *ex parte Rock* v. *Hall*, decided 26th July, 1871, in which *Slater* v. *Pinder* has been followed. But in the interval while the conflict was in force, see the position in which a County Court judge was placed;—exercising his Common Law jurisdiction, he would be bound to follow the Court of Exchequer, being one of his Appellate Courts in Common Law proceedings: exercising his bankruptcy jurisdiction, he would be bound to follow the Chief Judge, being his Appellate Court in Bankruptcy; and this result might happen, that if an interpleader were brought by the high bailiff who had seized goods to which a claim was set up by a trustee in liquidation of the debtor, he must follow *Slater* v. *Pinder*, and give judgment in favour of the creditor; but if in a case involving precisely similar circumstances, the trustee applied in bankruptcy to have the goods seized delivered to him, the judge following the authority of the Chief Judge, would be bound to order such delivery. Similar conflicting decisions involving equal absurdity may arise in the discharge of his duty by the County Court judge when exercising

jurisdiction in Common Law and Admiralty in cases of collision arising out of the different rules applied by these two jurisdictions in respect of contributory negligence; the rule at Common Law being that in cases of contributory negligence the plaintiff cannot recover, however great his loss; the rule in Admiralty being that in cases where both parties are in fault the aggregate losses on both sides shall be ascertained and borne equally; the principle of the Admiralty rule being to protect the weak against the strong, to prevent a big ship ruthlessly running down a little one, though the latter may be most in fault—a principle which would seem to be as applicable to a brewer's dray running into a tradesman's light cart as an ocean steamer running down a pleasure yacht. I could from my own short experience as a County Court judge detail a variety of instances of absurdity arising from conflicting and unequal jurisdiction; and there is one arising under the Bankruptcy Act, 1869, which for its pre-eminent absurdity I must be allowed to mention. Although by the 72nd section, as I have stated, a greater jurisdiction is vested in the County Court as a District Court of Bankruptcy than is now vested in any of the superior Courts of Law or Equity, yet if upon a petition for adjudication, or upon a debtor's summons, the debt, if legal, exceeds 50*l.* and is disputed, the County Court has no power to try it; but the action must be commenced in one of the superior courts, though probably after issue joined it would be sent down by order of one of the superior courts to be tried in the County Court. The anomaly was pointed out in the progress of the Bill through the House of Commons, but the answer given was that it would not be desirable to give the County Courts unlimited jurisdiction in Common Law matters by a side wind!

As a remedy for the evils pointed out by the Commissioners in their report, they say:—"We are of the opinion that the defects above alluded to cannot be completely remedied by any mere transfer or blending of jurisdiction between the Courts as at present constituted, and that the first step towards meeting and surmounting the evils complained of will be the consolidation of all the superior Courts of Law and Equity, together with the Courts of Probate, Divorce, and Admiralty, into one court, to be called 'Her Majesty's Supreme Court,' in which court shall be vested all the jurisdiction which is now exercisable by each and all of the courts so consolidated. This consolidation would at once put an end to all conflicts of jurisdiction. No suitor could be defeated because he commenced his suit in the wrong court; and sending the suitor from Equity to Law and from Law to Equity, to begin his suit over again in order to obtain redress, would be no longer possible." It will be observed that the several courts whose separate jurisdiction are to be thus consolidated into Her Majesty's Supreme Court, do not include the Court of Bankruptcy or the County Courts. Since that report was published, the Court of Bankruptcy has been established, and under that Act one hundred and thirty District Courts of Bankruptcy have been established and made part of the

County Court system. These District Courts have been in operation since January 1st, 1870. They are essentially local Courts of First Instance, possessing unlimited jurisdiction in all matters which can effect any rights in the property, real or personal, of insolvent debtors—bankrupt or not, traders or non-traders—in which creditors are interested. The only source at present accessible to the public, from which any judgment can be formed as to whether these Districts Courts have answered the important purposes for which they were established, is the Comptrollers' Report for the year ending December 31st, 1870, prepared pursuant to section 115 of the Bankruptcy Act, and laid before Parliament 4th May, 1871. The results shown by this report are certainly meagre, but they exhibit some facts worthy attention which bear upon the question of the judicial efficiency of District Courts of Bankruptcy. From this report it appears that the total number of bankruptcies during the year was 1351, of which there were in London 319, in the country 1032. In liquidation by arrangement 2035 resolutions were registered; of these 329 were in London, 1706 in the country. Of compositions there were 1616; in London 287, in the country 1329. Thus the overwhelming majority, as might have been expected, has been in the District Courts. Of appeals there appear to have been fifty-nine from the London Court of Bankruptcy, while from the 130 District Courts there have been only forty-eight. The disproportion is very striking, but it would be unfair to institute from these figures any comparison between the efficiency of the District Courts and that of the London Court. The judicial arrangements of the London Court are so extraordinary that they could not fail to produce extraordinary results. It is simply impossible that any one man, however gifted, can properly discharge the duties that now devolve upon a Vice-Chancellor and Chief Judge in Bankruptcy. Hence, from sheer necessity the Chief Judge, upon his appointment as Vice-Chancellor, was compelled to abdicate the greater part of his judicial functions as Chief Judge, and to leave them to be exercised by the registrars of the London Court of Bankruptcy, acting as his delegates, whose sittings have generally been about three days a week, the Chief Judge himself sitting only one day. The burden thus thrown upon the London registrars was unexpected, and, considering the inexperience of some of them as practising barristers, hardly fair, and it would be harsh to criticise their judgments. For my present purpose it is enough to observe that forty-eight appeals from the 130 District Courts of Bankruptcy (in which the appealable orders made would probably be reckoned by thousands) is such a *primâ facie* proof of efficiency as to demand attention: but in saying this I must be understood as claiming no undue share of credit for the judges; a very large share of whatever credit may be awarded is due to the registrars of the County Courts, by whom, acting as delegates by necessity of the judges, a very large proportion of the orders have been made: and when we remember that the Bankruptcy Act, 1869, was the result of the

persistent labour and influence of the commercial body, exercised through Chambers of Commerce, and possessing a powerful influence in Parliament, it is reasonably certain that if the working of the Act in this respect is on the whole satisfactory to them, the principle of local administration and unlimited jurisdiction will not be departed from, nor be permitted to be undermined by inconsistent legislation; and their desire to establish Tribunals of Commerce is potent evidence that they will endeavour to carry this local administration further.

Having thus shown this machinery in motion, and that it produces good work as far as it is applied, I would ask this practical question: If local courts with unlimited jurisdiction are available for collecting, distributing, and winding up the estates of insolvent debtors, why should they not be equally available for similar purposes if applied to the estates of deceased debtors? And having gone thus far, I will venture further, and ask why not be made available for determining all ordinary disputes in civil matters between living persons? If a right to property, however difficult the question or large the amount in dispute, can be properly tried and determined in a local court when arising in bankruptcy, why not when arising otherwise than in bankruptcy? Cases will undoubtedly arise which would be better disposed of by a tribunal at a distance, but such cases would be exceptional, and could be met by a proper power of removal.

These questions of revision and reorganization will, I hope, be met and satisfactorily answered by the long expected further report of the Judicature Commissioners. It is, however, to be borne in mind that County Courts were not directly within the scope of the Judicature Commission, although, as already pointed out, the evils existing in them through the attempt to unite separate and distinct jurisdictions were strongly observed upon in the report already made. And in order that these courts might be brought within the range of the Commissioners' inquiry, a supplemental Commission was issued which included County Courts and also Courts of Quarter Sessions and other local jurisdictions. Under the latter Commission extensive inquiries have been made and voluminous evidence has been taken; but the Commissioners have not at present been able to agree upon a report, and though the evidence has been completed long ago and printed, it has been considered by the Government inexpedient that it should be made public until the Commissioners' further report has been agreed upon and presented to Parliament. In this state of suspense I have, therefore, felt myself at liberty to deal with the question of the constitution and jurisdiction of local tribunals as an integral and essential part of any scheme for the revision of our judicial system and the reorganization of our courts of justice. And I shall assume that, as already recommended by the Commissioners, there will be established one supreme court of civil judicature, which the Lord Chancellor proposes to call the High Court of Justice. The essential feature of this High Court is that it consolidates, and, as it were, merges in itself all existing civil jurisdictions, including,

I hope, as well those enumerated in the first report as also the Courts of Bankruptcy, the County Courts, and all special Courts of Law and Equity.

All civil jurisdictions being thus centred in one High Court, all authority to exercise jurisdiction must, it should seem, emanate from that court, and all courts exercising jurisdiction, derived from the High Court, ought to be responsible to it. The High Court would, therefore, contain within itself the elements of all original jurisdiction and of all intermediate, as well as ultimate and final appeal. All original jurisdiction would thus be exercised derivatively from the High Court, and the extent and manner of its exercise would become simply a question of distribution; and thus we shall be driven back to our original question—what is the mode of distribution most beneficial to the public—central or local? If the question could be treated as *res integra*, surely a man who wants advice would find it for his interest to be able to obtain it near home, and if he wants relief he would prefer having it at his command within easy reach. Few men think of sending to a distance for the common necessaries or conveniences of life, and, in all civilised communities, is not justice a convenience, and sometimes—or rather is it not too often—a necessity? Why should its administration be made exceptional? If two men of business in Leeds have a dispute, which can't be settled without recourse to a court of justice, why should they not be able to find within the walls of this splendid pile the machinery and appliances adapted to their purpose, and constantly ready for their use? If a Leeds merchant dies and the machinery of a court of justice must be set in motion to ensure a proper distribution of his estate, why should not that distribution be effected here, where, most probably, the bulk of the property to be distributed, and most of the parties interested in its distribution will be found. I am at a loss to picture to my own mind any reason acceptable to common sense (if we are at liberty to take that for our guide), why, as a rule, in original jurisdiction (admitting there may be exceptional cases which ought to be provided for) central authority at a distance should be preferred to local authority near at hand. The advantages of local over central administration may be thus summed up: greater facilities for ascertaining the real merits of any question, less delay, less cost, greater certainty of a just decision; and, if there be error, greater facility for correcting it on appeal.

In considering, as a practical question, how far the County Court system may prudently be made, through re-arrangement of circuits and concentration of courts, the basis of the establishment of Courts of First Instance, with unlimited jurisdiction, it will be useful to call attention to what has been already done by County Courts. From returns laid before the House of Commons for the year 1869 it appears that in that year there were sent for trial from the Superior Courts 315 cases under s. 26 of the Act of 1856; 158 cases under s. 7 of the Act of 1869; and 116 cases of tort under s. 10 of the same Act; in all 589 cases. Similar returns for the year ending

1870 show under the same heads that in that year there were under the first 284 cases, the second 180 cases, and the third 129 cases, in all 593 cases. All these cases were properly triable at the assizes or the London or Westminster sittings. The third class comprised in each year almost every variety of tort, seduction, libel, slander, malicious prosecution, false imprisonment, trover, injuries to person and property through negligence. In some cases the damages were laid as high as 1000*l.*, and the amounts recovered in some cases varied from 300*l.* to 100*l.*, and in several more exceeded 50*l.*, while in several others the verdict was for the defendant. The same returns show that in 1869 forty-three cases, and in 1870 twenty-eight cases, above 50*l.* were tried before the County Court judges by agreement. In 1869 13,445 cases, and in 1870 12,029 cases above 20*l.* and under 50*l.*, in 1869 921 cases, and in 1870 1063 cases with a jury, were tried in the County Courts, and in all this vast number of cases the right of appeal existed. The same returns show that in the year 1869 there were twenty appeals, and in 1870 thirty-eight appeals against County Court decisions; and if we turn to any of the series of reports of legal decisions and see the sort of questions which are raised on these appeals we find them to be questions of great nicety and difficulty, and upon which even the appellate judges are not always of one mind. Now, with these facts before us is it not a just conclusion that the law as administered in County Courts is in the main as satisfactory to the profession for its correctness, as it is to the public for its justice? I wish I could proceed to show how small is the cost of these proceedings compared with the relief given, but I regret the returns do not furnish apt or sufficient materials for this purpose. By way of comparison with the superior courts let what follows be attended to. From returns of the numbers of causes tried in London, at Westminster, and on circuit for the year 1869, the following results appear:—Verdicts above 100*l.*, 551; verdicts above 50*l.*, 309; verdicts above 20*l.*, 517; verdicts under 20*l.*, 233; total, 1610; cases without money verdict, 758; total, 2368; motions for new trial 525. These motions may be regarded as appeals from the decisions at *Nisi Prius*. In the County Court the appealable cases for 1869 were 14,077, and there were only twenty appeals. Thus, making the largest allowance that can reasonably be required for the smallness of the amount and the simplicity of the questions involved, there is a difference in the proportion of appeals which has to be accounted for, and I venture to account for a large proportion of this difference by the fact that the judges at *Nisi Prius* rarely decide any question of law, but leave is given to move, and the rule *nisi* is obtained almost as of course where such leave is given. Whereas in the County Court the judge is bound to decide all questions as they arise upon his own responsibility, and subject to appeal as of right. Sometimes in cases below 20*l.*, when power of appeal is discretionary with the judge, leave is given, if the special circumstances of the case justify such leave, and I have sometimes given it. As to costs, I have seen a return, upon

the accuracy of which reliance may be placed, showing the amount of the verdict and costs in each case in the Queen's Bench for the first six months of 1870. The results are as follows:—In thirty-five cases, where the verdicts are above 50*l.*, and not exceeding 100*l.*, the taxed costs of the plaintiff average 88 per cent., and in cases not exceeding 50*l.* they average 225 per cent.; in each case the extra costs of the plaintiff payable to his own attorney, and the costs of defendant, as between attorney and client, must be added. The aggregate amount is frightful; not less, probably, than 500 per cent. upon the total amount recovered. These simple facts and figures surely will in time open the eyes of the leaders of the profession to the true remedy for the evils of which the public complain. Before quitting this subject of costs, I may observe that I have not been able to discover any return of the costs of proceedings in those special jurisdictions which aspire to the dignity of the superior courts. Such are the Passage Court at Liverpool, the Salford Hundred Court at Manchester, the Tolzey Court at Bristol, the Lord Mayor's Court in London, and the Burgesses' Court at Newcastle-on-Tyne, and there may be a few others. These courts are, I believe, great favourites with those who practise in and resort to them, and they doubtless relieve the suitors from some of the more burdensome evils of the superior courts; but upon the question of costs, as well as that of expedition, I venture to say they will not, in contested cases, stand comparison with the County Courts.

I do not attempt to deal with the questions of delay and expense—as bearing upon the present procedure and practice of the Court of Chancery. Sir R. Palmer, during the last session, stated that there were fifty-nine public companies which had been under process of winding-up for fifteen years, and none wound up yet—and I may mention this trifling but significant fact, that last July I was requested by a firm of solicitors in Lincoln's Inn Fields to send them an acknowledgment of the payment of a fee in a cause which had just then been heard, and the costs ordered to be taxed. The original bill had been filed in 1858, and the retainer given and the fee paid to me shortly afterwards. Upon this subject I must content myself with repeating a passage contained in a paper which I had the honour of reading before this Department at Birmingham, in 1868, and published in the *Transactions* of the Association for that year, p. 223. Having referred particularly to the procedure of the Court of Chancery as then recently amended, I say, "The amount of time and money spent in this unsatisfactory procedure is very inadequately known to or even ascertainable by the public. Materials for forming a judgment might, however, be obtained if some public spirited resolute law reformer could be found in our new Parliament, who not fearing to disturb the repose of official self-composure, would move for returns properly directed to the subject from the offices of the Record and Writ Clerks, the Examiners, the Registrars, and the Taxing Masters of the Court of Chancery. The facts which would appear upon such returns, I venture to say, would

be, if not startling, certainly instructive, and might be made useful." No such returns have ever been made, and none exist, which afford sufficient information to the public upon these two points—delay and expense in the Court of Chancery. It may, however, be safely assumed that that Court is not, in either of these respects, inferior to the superior Courts of Common Law.

From what I have before said, and the details I have given, I must not be understood as suggesting that the County Courts as they now exist should at once, and as it were *per saltum*, be converted into Courts of First Instance with unlimited jurisdiction. Nor would I suggest that the District Bankruptcy Courts should be so converted, though I think those courts may well be made to a considerable extent the basis of the changes I suggest. The adaptation of the Courts of First Instance as I suggest to the County Court system would necessarily involve considerable changes in the existing arrangements. Changes such as these—(1st.) A reduction in the number of the courts, by doing away with several of the smaller courts; (2nd.) The power to obtain judgment by default extended to all cases of money demand above 5*l.*; (3rd.) The period of limitation for the recovery of debts for shop goods should be considerably reduced, in the spirit of the obsolete though unrepealed Statute, 7 Jac. I. c. 12; (4th.) The principal registrars to have jurisdiction to hear all cases of contract up to 10*l.*, and in all cases of tort up to 2*l.*, and any cases by consent, with power in special cases to refer the hearing to the judge; (5th.) The registrars should hold frequent courts for these purposes, in some places fortnightly, in all others monthly; (6th.) There should be an appeal from the registrar to the judge, whose decision should be final; (7th.) The judge should hear and dispose of all other business, with the assistance, when required, of commercial assessors, after the manner of nautical assessors in the Court of Admiralty; (8th.) There should be an appeal from his original jurisdiction to a Divisional Court of the High Court of Justice; (9th.) The Courts of First Instance should be established in the metropolitan districts as well as throughout the country; (10th.) By a re-arrangement of circuits and concentration of courts, the Courts of First Instance should be established at convenient centres, and thus a considerable reduction would be effected in the number of judges and registrars—probably one-half of the judges and three-fifths of registrars; (11th.) There should be a power of removal from one Court of First Instance to another for cause shown; (12th.) The procedure and practice in all the courts should be simple and uniform, and the process of each court should run through all. The Court of Probate and Matrimonial Causes might be taken as a model for the procedure and practice of Courts of First Instance; (13th.) The judges should be appointed by letters patent, and selected for their fitness, and take rank according to seniority among themselves, and next after the puisne judge of the High Court; (14th.) There should be a chief registrar to each Court of First Instance, an assistant registrar when necessary, and a sufficient staff

of clerks; (15th.) The existing County Court judges, who have served ten but less than twenty years, should be allowed to resign upon pensions equal to two-thirds of their present salaries; those who have served twenty years at their full salary; and the Lord Chancellor should have full power to require any others to resign upon such pensions (not being less than two-thirds of their present salaries) as he shall deem just; (16th.) The judges and chief registrars should be ineligible for Parliament, but the judges should be eligible for the High Court, and the chief registrars excluded from practice. A set of courts established upon this basis would, I believe, be more efficient and economical than the present, and the diminution in the number of judges would allow of judicial salaries being paid of an amount which would secure the services of able and experienced lawyers. It would not be within the proper compass of this paper to enter into details of probable cost. I think it could be shown to be less than the cost of the present system; but, be that as it may, I venture to think that Parliament will be found ready to grant money for money's worth.

The view of this great question—the constitution and jurisdiction of local courts—will not be complete unless we consider what the effect will be upon our superior Courts of Common Law and Equity, and the substitution for them of one High Court of Justice in which all separate jurisdictions shall be merged. The first and immediate effect will be the abolition of the artificial distinction between Law and Equity; it is well known that that distinction grew out of a mere difference of procedure arising from the forms of pleading in Common Law actions. By the Statute of Westminster, 13 Edward I., it was provided "That when the law faileth for remedies, lest suitors coming to the King's Court should depart from thence without remedy, they shall have writs provided in their cases." Lord Westbury, in his inaugural address to the Juridical Society, 12th March, 1865, observes: "If this had been fully acted on the law of England might have been matured into a uniform and comprehensive system; for it was justly observed by one of our judges in the reign of Henry VI. that if actions on the case had been allowed by Courts of Law as often as occasion required, the writ of subpœna would have been unnecessary; or in other words, there would have been no distinction between Courts of Law and Courts of Equity, and the whole of the present jurisdiction of the Courts of Chancery would have been part of the ordinary jurisdiction of Courts of Law." The necessary result of the abolition through the establishment of one supreme court will be what has been miscalled the fusion of Law and Equity—properly speaking there will be no fusion; the stream of justice, though for centuries it has been artificially divided into separate channels, would thenceforth flow in its natural and original singleness: the change will be that courts for maintaining civil rights and preventing and redressing civil wrongs will be no longer Courts of Law opposed to or competing with Courts of Equity, but all courts will be courts of justice, and the functions of all judges

will be what those of County Court judges, when exercising jurisdiction in the District Courts of Bankruptcy, are now, namely, to declare the law applicable to the right in question, unfettered by any mere technicality of pleading, or procedure, or artificial limits of jurisdiction.

This original jurisdiction must also, as recommended by the Commissioners in their first report, be exercised by judges sitting singly, and as the procedure is to be uniform, the pleading simple, and the evidence, when given *viva voce*, taken before the judge who is to decide upon it, it is certainly not easy to see how such a system can be accommodated to Common Law Sittings *in Banc*, or a system of Assizes, or to the present mode of hearing causes in the Court of Chancery. Nor, I venture to think, can it be reasonably expected that the judges of our superior courts should be able to accommodate themselves to such a radical change in their labours and duties as would be involved in such a system: but there need be no difficulty; the judges of our superior courts may at once be made judges of appeal, and their functions in civil matters be limited to the duties involved in that high office. The question of the proper composition and constitution of a Court of Appeal is not within the limits of this discussion; but for the reasons I have endeavoured to advance, that question, though having to be considered separately and apart, will still have a direct, I may say necessary, connection with, and reference to, Courts of First Instance to be established throughout the country.

In conclusion allow me to state that the views which I have thus endeavoured to expound are in harmony with those I have hitherto attempted to explain.* And I give them as the result of my experience and observation as a judge in the important commercial and manufacturing district over which I have the honour to preside, and whose enduring and increasing interests in the expeditious, inexpensive, and efficient administration of justice—interests which are in common with those of all like communities—it is my earnest desire to advance.

On the Same. *By* CHARLES WAGER RYALLS, LL.D. Lond., Barrister-at-Law.

IN order to settle the question as to what is the best constitution of local tribunals, and what are the proper subjects for the jurisdiction of those tribunals, it must first be ascertained and determined. What is the primary and universal object of courts of law? (2ndly.) How far local courts are necessary and why? (3rdly.) Should local courts be separate and distinct, and should they differ in constitution

* See *Transactions*, 1868, p. 225; 1870, p. 191.

from a supreme court, and how either in the remedies they enforce, or the subjects over which they have jurisdiction?

The primary object and universal purpose of courts of law is to give a remedy, or the means of enforcing all legal claims, where the subject matter of claims is withheld, taking care that the same legal remedy is granted, in every similar case, to every suitor, regardless of his social position, or the amount of his claim, in other words the remedy should be uniform; and this should be done at the least possible expense, consistent with efficiency, *i.e.*, no expense should be caused either in compelling a suitor to go an excessive distance, to wait an unreasonable time for his remedy, nor should the suitor be met with technicalities of procedure not affecting the merits nor promoting the just determination of his cause.

The necessity for local courts will be apparent to every one at all acquainted with the administration of justice. The administration of a legal remedy involves two processes. (1st.) The discovery of the facts, and (2nd.) The application of the law to those facts. The superior Common Law Courts of England have pursued different courses for each of these purposes, the discovery of the facts being assigned to the jury, and the decision of the law being reserved to the judge presiding at the trial; such decision being liable to review by the superior court in which the action happens to be brought, and the judgment of such superior court being itself liable to review by Courts of Error, the highest of such Courts of Error being the House of Lords. Thus an uniform and certain administration of remedies has been afforded by the superior Courts of Law, culminating in one final Court of Appeal, each of these courts being bound by the decisions of the court immediately superior to it, and being bound also by decisions of courts of co-ordinate jurisdiction when such decisions are liable to be reversed in error, but have not been taken to error. The superior courts have, for the purpose of deciding the law on an ascertained state of facts, always sat in the metropolis; for this purpose it can scarcely be contended that any better arrangement could be made. The attendance in court of the suitor for this purpose is scarcely ever necessary, and very seldom takes place.

For the purpose of ascertaining the facts, however, to which the presence of the suitor, or witnesses, is almost always absolutely necessary, and almost always takes place, a different course has from the earliest times been adopted. To save the expense and delay necessarily consequent on a suitor and his witnesses being compelled to go to the metropolis for the purpose of the trial of the facts of the suit, the judges have for this purpose regularly gone on circuit, holding courts in every county, and, latterly, holding courts at several places in certain counties. Courts of Assize may therefore be termed local courts. Unless there is some legal question to be determined, judgment and execution immediately follow on the verdict of the Court of Assize.

Thus has an attempt been made to give every man the same remedy for the same wrong; and to give that remedy cheaply and

expeditiously by bringing the court nearer to the door of the suitor when necessary. It is concluded that local courts are only necessary for the purpose of deciding disputed facts.

There were formerly a great number of inferior local courts throughout the country, for the purpose of giving a speedy and inexpensive remedy in cases considered too trivial for the superior courts; most of these courts were abolished in the foundation of the present County Courts about twenty-five years ago; some, however, still remain and are extensively used. The judgments of these courts were liable to correction by a superior court as are those which remain to this day. These inferior courts, therefore, have answered, and those remaining still do answer the same purpose as the Courts of Assize, *i.e.*, of bringing justice to the door of every subject, uniformity of remedy being enforced by a right of appeal to a superior court.

The County Courts are, at present, the local courts which absorb the greatest amount of local business in the land; but there are other Courts of Record also which do a very considerable business in the determination of suits. There is, it must be allowed, a very great dissatisfaction with the County Court system; such dissatisfaction is entertained both by the public and the legal profession, and so universal is it that it cannot be considered unjustifiable. The other inferior Courts of Record are not the subject of so much complaint; some of them are much used, and very recently one of the most important of them (the Salford Court) has been improved by legislative enactment, and is very popular in Manchester and the neighbourhood for the settlement of legal disputes.

Some tell us, however, that we have in the County Courts a system of local tribunals which answers well. To convince strong partizans of County Courts of the contrary may not be a very hopeful task. There are, however, some facts connected with County Courts which deserve notice, and these facts appear on the judicial statistics of 1868, 1869, and 1870.

The first set of facts apparent on the judicial statistics which shall be mentioned is—

	Total amount for which plaints entered. £	Total amount of Court fees. £
1868	2,577,133	354,575
1869	2,622,565	357,494
1870	2,644,762	352,845

The amount of fees received by the three superior courts during 1870 was 52,593*l.*, being about one-seventh of the amount received by the County Courts.

Thus it will be seen that in court fees alone suitors are, by the present County Court system, put to an expense something like 14 per cent. on the amount received. This includes no charge for professional assistance. A system which requires such a preliminary

outlay on the part of the suitor certainly cannot be called cheap. Much of this outlay is caused by the fact that a large staff is necessarily kept in the registrar's office of a County Court for the purpose of collecting the money recovered in the court. Thus the court is made the collecting agent of the creditor at the expense of the debtor. This should be altered. An option should be given to the suitor to have his debt collected by means of court officials, or to collect the fruits of the judgment himself, and in case he preferred the former course he should be compelled to pay larger fees, which he should not be allowed to recover from the defendant. This last suggestion is made on the assumption that the collecting system is to be continued. It is, however, contended that it should be abolished, and that the court should exist only for the purpose of settling disputes and enforcing its judgments.

Nor can the present County Court system claim much as being a speedy system. A cause is not, as a rule, heard till a month from entering, and unless the claim is on a bill of exchange or for goods sold to a defendant in the way of his trade (when ten days must elapse between service and hearing), judgment cannot be recovered unless the plaintiff appears to prove his claim, or the defendant admits liability; and after judgment a further period of about ten days elapses before execution can be issued. Adjournments of the hearing also very frequently take place and, in such case, ten weeks may elapse before a suitor can recover his claim. This, however, is a matter of procedure rather than of the constitution of the court.

The following extracts from the "Judicial Statistics" of 1870, relating to certain inferior Courts of Record, may be found instructive on the subject of expense:—

	Total amount of plaints.	Total amount of fees.	Per centage.
	£	£	
Court of Passage, Liverpool...	70,453	1,210	less than 2.
Salford Court... ...	97,552	3,169	about 3½.
Derby Borough Court ...	4,785	150	rather over 3.

The Hull Borough Court shows a slightly smaller per-centage of fees than the Derby Borough Court, on nearly the same amount of debts.

The County Courts, after the consideration of these facts, must be considered as a failure, so far as economy is concerned.

The inferior Courts of Record afford the means of recovering a speedy judgment; in undefended cases no case is delayed longer than three months, as the Court always sits quarterly, and in some cases oftener; and, taking the average, the delay will not be found greater than in the County Courts.

A very important and instructive aspect of the judicial statistics relating to County Courts is the statement of the number of appeals.

The County Court returns make the number of the appeals :—

In 1867...	14
1868...	20
1869...	22
1870...	38
Total	94

The returns of the superior courts give the number of judgments in County Court appeals :—

In 1867..	8
1868...	21
1869...	29
1870...	22
Total	80

There were in the years 1868 and 1869 no less than 1200 cases sent from the superior courts for trial in the County Courts, and there were 23,500 actions commenced in the County Courts of England and Wales, in the same two years, for sums of above 20*l.*

The appeals from the Metropolitan District County Courts in 1868 and 1869 were—

	Circuit.	
Whitechapel	(39)	... 1
Bow and Shoreditch	(40)	... 0
Clerkenwell	(41)	... 0
Bloomsbury	(42)	... 1
Marylebone and Brompton, &c. ...	(43)	... 1
Westminster	(44)	... 1
Southwark	(46)	... 1
Lambeth	(47)	... 0
City of London	—	... 6
Total		11

To the Westminster County Court alone, in the years 1868 and 1869, more than 100 actions were sent from the superior courts for trial; but the County Court statistics show only one appeal during that period from that Court. It may also be mentioned that during the same period not a single case in which the demand was above 50*l.* was taken to that Court for trial by consent; one might expect to find some such case if there were great confidence on the part of suitors in the tribunal.

Turning, however, from the number of appeals in the metropolitan courts to those in the country courts we shall find no great alteration of the above figures.

Taking the six most important towns in the kingdom we shall find in the two years 1868 and 1869 only seven appeals.

	Circuit.	
Liverpool	(6) ...	3
Manchester	(8) ...	1
Leeds	(14) ...	0
Birmingham	(21) ...	1
Sheffield	(13) ...	0
Bristol	(54) ...	2
	Total	7

In the same two years 37 causes were sent for trial in the Liverpool County Court alone; and 907 causes were commenced in that Court for above 20*l.*; only 4, however, were, by consent, brought into that Court for sums above 50*l.*

That the number of appeals, then, from the County Courts to the superior courts is remarkably small is apparent; and when we consider the extent to which they are out of proportion with appeals from judges of Assize, and the dissatisfaction which is frequently expressed with the decisions of County Court judges, it would seem highly probable that the cause of this is some fault in the system.

The causes are conceived to be as follows:—

I. There can be no appeal without previously being given by the appellant, who must deposit 50*l.*, or enter into a bond for that amount; nor can there be any appeal at all if the amount claimed is under 20*l.*, without the leave of the judge. This deposit of 20*l.* in the case of a poor man, sometimes having nothing but his claim in the action, very often amounts to a denial of justice. He may have a substantial claim—able counsel may be of opinion that he is entitled to recover. The County Court judge has decided against him, perhaps very hastily, and without giving any reason. Had he 20*l.* he might appeal against the judge's decision; because he is poor he cannot; and thus he is punished for the simple fact of being poor. It is a gross inequality, and a cruel oppression, in the law for a poor man to be told that he shall have no opportunity of having his case decided by any but a judge of an inferior court and that court the humblest civil court in the land.

This regulation should at once be swept away if the present County Courts are to be continued, so that a man's poverty may be no bar to his having his cause considered by a supreme tribunal. There may be cases in which the Court should have some power of restraining such litigation as is flagrantly vexatious and dilatory, but the exercise of such a power should be restrained by proper safeguards in favour of the suitor, nor should such power in any case be in the hands of the inferior judge.

There is, however, another course which would render the exaction of security from the appellant unnecessary, *i.e.*, the provision of a ready and speedy means of appeal. As a rule, a plaintiff cannot issue execution in less than ten days from the judgment, and there is no reason why an appeal might not be heard within that time, and

that at a very small cost. Thus an appeal might be made neither dilatory nor vexatious, and if it were done by a rule *nisi* the respondent need be put to neither expense nor delay if the appellate tribunal were of opinion that the appeal was groundless. It is suggested that the appeal should be by rule *nisi*, except in those cases in which the inferior judge gave leave to appeal.

Further, it may fairly be asked, what greater reason is there why a suitor in a County Court should be called upon to give security for costs before he can have the advantage of resort to a supreme court, than there is that such security should be given by a suitor in a supreme court whose case has been tried before a judge of Assize. A suitor dissatisfied with the ruling of a judge at *Nisi Prius* may move for a new trial, or to enter or to set aside a verdict or nonsuit on leave reserved, without giving any security for costs, though he may sometimes require an order to stay execution if he cannot move the court before execution is due; and even the necessity for this might be saved by having a court constantly sitting for hearing appeals. It may also be stated that in superior courts a satisfied judgment may be reversed by a Court of Error and a writ of restitution issued. Nothing like this is possible in County Courts as security is given for prospective costs. There is less reason for security being given on an appeal from the ruling of a County Court judge, than from that of a judge of Assize, who is generally supposed to be a person of greater experience and higher attainments than a County Court judge. The argument is sometimes used that rough and ready justice is often a necessity, and even an advantage, but this is nothing more nor less than saying that injustice is better than justice. The poor man is entitled to the same consideration for his cause as the rich man, and that although he is too poor to pay for it.

II. Another cause of the small number of County Court appeals is the restraint upon appeals exercised by the County Court judges, who very often treat an appeal as a personal affront to themselves, and as the appeal is, by special case, signed by the County Court judge, that functionary very often throws every possible obstacle in the way of an appeal when the case is presented to him for signature. The superior courts have on some occasions expressed something like indignation at the refusal of County Court judges to give to the parties a certificate of their ruling or of some fact connected with the trial. This dislike of an appeal by the judge operates on the advocate of the suitor. The advocate in the County Court is often an attorney who is not the regular legal adviser of the suitor; he is often before the judge, and when he sees an indisposition on the part of the judge to entertain the idea of an appeal, he very naturally hesitates to take any steps which might cause him to lose the favour of one whose dislike would be so inconvenient to him, as would that of a County Court judge. He can better afford to dissatisfy a client whom he may never see again, than to displease a judge before whom he constantly appears—thus advocacy in many County Courts has become in a great measure a mere

humouring of the weakness of the presiding judge, and a strange advocate appearing in a County Court sometimes finds it hopeless to contend against an advocate who is accustomed to the Court.

As the foregoing remarks may be considered somewhat severe it may not be uninstructive to look at the result of the few County Court appeals which are heard and determined. In the returns of the superior courts, in the "Judicial Statistics" for 1867, we find 8 appeal judgments, 4 being reversals of the judgment below; in 1868 we find 21 appeals, and 13 ended in a reversal of the decision below; nearly 2 out of every 3 being reversed. In 1869 the reversals were not so numerous (being 14 reversals of judgments out of 29 appeals, or not quite half reversed; and in 1870 there were 22 appeals heard, and in 16 of them the judgments below were reversed, or rather more than 3 reversals out of every 4 judgments. This certainly does not show that the County Courts are infallible; and these facts alone form a strong argument in favour of an extension of the present right of appeal. Had the 47 appellants in those 47 reversed decisions been unable to deposit 20*l.* they must have suffered a denial of justice. How many did suffer, simply from not possessing that sum, cannot be known; but any professional man practising in County Courts is well aware that very many appeals fall through solely in consequence of the suitor's poverty. The judges of the superior courts, moreover, sometimes cannot refrain from expressing surprise at the ruling below, and it is by no means unusual for the appeal to be laughed out of Court on the appeal case being read, so manifestly wrong is the judgment below.

A previous remark, as to the County Court advocate discouraging an appeal from the judge's ruling, brings forward a suggestion as to the constitution of local courts, and the hint which it furnishes is, that local courts should not be constituted of local persons, and in this that they should be constituted as superior courts.

The present County Court judges go circuits of various extent, but the same judge never changes his circuit—whilst it is evident that some local judges must be on the spot constantly, *e.g.*, stipendiary magistrates; yet it is contended that this practice should be adopted as little as possible in the administration of justice, and certainly not in cases where such large interests are involved as those committed to the judges of County Courts. A court constituted of local persons is apt to give rise to those partialities which naturally affect all human institutions.

Another feature of the County Court system, which it is conceived cannot but be highly objectionable, is the bestowal of large judicial powers upon the registrars of County Courts. When it is remembered that the registrars of County Courts are mostly attorneys in the very town in which they act as registrars, and are constantly coming into contact, in their capacity of attorneys, with the attorneys who may appear before them when acting judicially, it must be apparent that the system is open to grave objections. It is placing an immense power in the hands of a person primarily

objectionable, without any sufficient safeguard against its abuse. Attorneys cannot fill the office of Justice of the Peace for a borough nor can they be justices for counties in which they practise. The rule is a good one and has been recently affirmed by the Legislature. That such persons should act judicially in County Courts seems to be in defiance of a sound and recognised principle.

The suggestion offered as to the constitution of local courts, in the strictest sense of the term, is that stipendiary magistrates should be appointed throughout the country who should have a civil as well as a criminal jurisdiction, over a convenient district, including cognizance of all claims on contract for less than 15*l.* (similar to the jurisdiction of the Metropolitan Police Magistracy in Detinue); and that as to civil contracts his jurisdiction should be also similar to that of a County Court judge under the Act establishing the County Courts, a right to a jury being retained, where demanded—That these judges should sit frequently and at such distances as the present places for holding Petty Sessions. It is conceived that these judges or magistrates might have a jurisdiction in Equity in all cases considered too trivial for the Court of Chancery, and they might also act as chief clerks and examiners to the Court of Chancery, and as masters of the superior Common Law Courts, where the inquiries were of that kind that they could be made better and at a less expense on the spot than in London. The courts held by these magistrates would be local in every sense of the term—but for the trial of all causes not triable at the Assizes.

It is proposed that subsidiary judges of the superior courts should be appointed—That all actions for liquidated demands above 15*l.* and under 50*l.*, and all actions of tort, ordered by a judge of a superior court to be so tried, should be tried before the subsidiary judges, holding local courts, at such places as the present County Courts are held—That such judges should make their circuits every two months—That these judges should change their circuits in the same manner as judges of Assize, and should not, like the present County Court judges, be fixed on one circuit—That all actions be tried before a jury, unless both parties desired to dispense with a jury—That the ruling of these subsidiary judges should be liable to the same review as that of a judge of *Nisi Prius*—That they should be compelled to certify to a superior court their notes of the trial, and also their ruling, which should, on the application of either party, be reduced into writing at the time that it is laid down to the jury. These judges might also perform the duties of stipendiary chairman of County Sessions when such officers are established, as it is anticipated will shortly be done; and the courts for the trial of prisoners and of causes might be held at the same time and place.

This might be done at no greater expense than is at present incurred under the County Court system. It may be objected that the chamber practice, or interlocutory proceedings, must, under such a system, be done in London, and that thereby a greater expense must be incurred than where it is done under a system like the present

County Court system. This certainly need not be the case, the scale of costs can easily be cut down to the scale of costs now allowed in the County Courts, and of this scale the legal profession do not complain. The argument of convenience is, in certain cases, in favour of the business being done in London: thus, where the litigants reside in different districts, the business must either be done through an agent, or by one of the parties or his attorney travelling to the distant district. If done by an agent, then it would be as easy and inexpensive to instruct an agent in London as elsewhere, and to instruct one agent in town in all cases would certainly be more convenient, either than travelling to the different districts in which the actions might happen to be brought, or than instructing a different agent in each district. If it should, however, be found more convenient to transact interlocutory business locally, then it might be done before the local stipendiary magistrate.

The reason why a jury trial is suggested as the best is, that, under such a constitution the judge is under the necessity of taking down the evidence, and also of going over it in summing up to the jury. He cannot give a verdict for the plaintiff or defendant without stating more. This necessity compels him to arrange in his mind the facts and law of the case with some care and thought, and to state the case with some deliberation to the jury, thereby giving a protection against hasty and erroneous conclusions. Besides, it is a division of labour, and a well worked judge has quite enough to do to lay down the law to the jury and arrange the facts for them, without having also the anxious duty of coming to a conclusion on the facts of the case. It is conceded that this form of trial takes more time than the form of trial most common before a County Court judge, but, as the County Courts perhaps do a greater amount of business in a smaller amount of time than any other courts in the land, to spend a little more time in the trial of causes might be no disadvantage. This form of trial is the form practised in the inferior Courts of Record, and acts well and satisfactorily. It is true that jurymen sometimes complain of the burthen of their duties. These duties are, however, the incidents of citizenship, and the discharge of them imparts a respect for the law and a confidence in its administration. It is submitted that it is inexpedient to remove a jury from the trial of civil issues.

The conclusions arrived at are that local courts should not be distinct from the supreme court, nor should they differ from it in constitution, but that they should be a subsidiary part of the supreme court—that they should have jurisdiction over the same class of rights, but only over that portion of rights which are of moderate difficulty and importance. It is almost impossible for any man, however intelligent and honourable, to try, satisfactorily, important and complicated issues as are some of the trials in the County Courts, considering the trivial, trying, and troublesome work which the judge has to perform in adjudicating upon some of the actions before him. The parties mostly appear in person; they vary the trial by

every kind of imputation upon each other, introduce much irrelevant matter, are guilty of disrespect to the Court, and in many ways exhaust the temper of the judge. As so many of the matters on which the judge adjudicates are of this kind, he very naturally acquires a dictatorial and arbitrary manner, totally at variance with that calm demeanour and deliberation which are absolutely necessary to the office of judge. He forgets that his duty is not "*Jus dare*," but "*Jus dicere*." Any one who has sat for a few hours in a County Court will scarcely wonder that a judge generally becomes peremptory in manner and hasty in his conclusions. The judge also acquires a habit of taking the case into his own hands from having parties before him who are ignorant of legal proceedings, and so he becomes unable to leave the conduct of cases to professional men when they appear before him. The only remedy for this state of things is to consign to some humble tribunal, such as has been suggested, the adjudication upon trivial causes, and to ensure the trial of more important issues with the same calmness and deliberation as exist in the superior courts. Such a system would have the advantage of the regular attendance of members of the Bar just as is now the case at Assizes and Quarter Sessions, an advantage which can scarcely be over-rated; for it is no exaggeration to say that after the institution of trial by jury, no influences have had a greater share in maintaining the liberties and rights of Englishmen than the independence and courage of the English Bar. It is no step in advance in the history of our jurisprudence when either the law of the land or the procedure of our courts—civil or criminal—treats the jury as an impediment, or the Bar as hired partisans.

DISCUSSION.

Mr. Edward Wilberforce (London) remarked that the main objection to the system of County Courts, which must be considered in discussing local courts, was that the debt-collecting machinery was not kept separate from the judicial machinery. They were at once places where debts were collected by means of an inexpensive process, and places where large questions of law and fact were sometimes discussed. In the course of half an hour, the same man was deciding whether 1*s.* or 2*s.* was the proper price for some article of grocery, and summing up to the jury questions of law and fact fit for the highest court in the kingdom. Surely these two functions should not be united; either the first was too low, or the second too high. Unless, under Mr. Daniel's scheme, all questions of procedure and law were decided in London, there could not be constant sittings in the country for those matters, and if they were settled in London how was it to be ascertained whether any case initiated in the local courts was one of law or fact, and what the procedure was to be? Either all cases must be commenced in London and sent down to the country, or there must be a power of commencing cases in all parts of the country. In the latter event there would be the difficulty of ascertaining questions of procedure and cases of law, in order to send them up to London; whereas, under the other plan, the objection of centralization would apply to the new as well as to the present system. It would be impossible, for a long time, at all events, to have questions of law decided otherwise than in London, for there must be a supreme court sitting somewhere, and constituted of the

highest judicial minds, whom it would be out of the question to employ sometimes in the country and sometimes in London. He did not understand from Mr. Daniels' paper whether there was to be any system of pleading; he did not mean any technical system, but whether the matters for the decision of the judge, or judge and jury, were to be reduced to writing, and whether, if so, they were to be prepared in the country, or brought before some central jurisdiction. If there was any local centre, the pleadings might, no doubt, be drawn up and served, and procedure questions determined there. If actions were to be brought in the local court, and the cause of action stated in writing, there seemed no means of determining whether that cause of action was sufficient, and deciding as to the propriety of the pleadings.

Mr. DANIEL explained that he had suggested the procedure of the Divorce Court as a model.

Mr. WILBERFORCE believed there was a weekly sitting in that Court at which these questions were heard. He doubted whether local courts would be proper tribunals for hearing these matters. In the Probate Court there was an appeal from the judge ordinary to the full court, but if the local courts were to hear these preliminary questions, and if there was an appeal to the superior courts, the vices of centralization would still remain. As to the proposed district courts, the introduction of a number of small places for sittings would be almost certain to involve delay; whereas, if all large cases were determined at the central place, the work could be properly arranged. The first case in the day's list might be over in five minutes, or might last several days. This was the experience of Assizes, and no doubt of County Courts also. A court sitting in ten different towns could never provide against having too much time in some and too little in others. His own plan of a central town in each district, where all the important business should be transacted, would entail a greater number of districts, and the division of counties might to some extent be followed. Mr. Daniel had mentioned the enormous cost of actions in the superior courts in proportion to the amount, but the amount was really no criterion of the importance of an action. There was often a verdict of 40*s.* on the gravest questions of law. In many cases there was a verdict for 50*l.* or 100*l.* where the issues were much larger than any sum of money represented. Ten pounds was sometimes supposed to carry costs and meet the justice of the case. Claims of right might be eliminated, but how could it be ascertained in other cases whether the jury had gone upon a right principle in assessing the damages? The damage might be under 100*l.*, yet the evidence required, and the legal obstacles encountered, might have necessitated serious expense.

Mr. C. J. GREGE (Reigate) observed that local criminal courts had not been noticed. Instead of having one judge presiding over a district court, he would have a panel of judges, who would distribute their work, reserving important business for the full court, and referring payable cases to one or two of their number. He was sensible of the difficulty of dealing with the county magistrates, as Parliament consisted almost exclusively of such gentlemen, and nothing but a strong pressure from without would deprive them of their ornamental attributes. A panel of district judges would be very economical, and very efficient in disposing of small criminal cases. In nine cases out of ten the decision of justices was simply the decision of their clerk, who, in all cases of difficulty, sent for whatever books he happened to have, and advised the magistrates how to decide. Could anything be more irrational than for the subordinate to be the real principal? That the County Court should be a collecting agency for private individuals was very reprehensible. The registrar was not indeed paid expressly for keeping these petty accounts, but they involved considerable labour, which must be paid for somehow or other, and if not paid for undisguisedly, was paid for in disguise, out of the national exchequer. The injurious effect of confinement to one circle of ideas and advocates, would be avoided by the system of a panel, the judges changing about from one locality to another. The gist of the difficulty was the dispersion and the unscientific character of our *corpus juris*. As long as the law was dispersed, difficult of access, and embedded in precedents, instead of reposing on broad principles, litigants before local tribunals would hope for success by appealing to superior courts. Unless satisfied that everything was exhaustively disposed

in the first instance, they would naturally do so. An enormous proportion of our *corpus juris* consisted of cases decided at the expense of individuals. Now he thought that wherever a court of appeal certified that a really undecided question had been brought before it, the litigant should be paid a reasonable portion of his costs out of the Consolidated Fund. He saw great difficulty, however, in getting this carried out.

Mr. DANIEL, Q.C., in reply, said the question of expense was beyond the scope of his paper, but he was satisfied that not only the suitor but the national exchequer would be relieved by the plan he recommended. As to the transfer of judicial authority from the judge to the registrar, nothing of the sort existed, except that the Act of 1867 permitted the registrar to dispose of undefended and undisputed cases. The registrars in many places possessed the confidence of those who went before them, and his court had the advantage of being attended by reporters, which was a great protection against "scenes" and incautious expressions. It would be necessary in many cases that the plaintiff should commit himself to a given case, that the defendant might know what it was and might commit himself to a given defence, so that the parties might not enter the court in ignorance of what each relied upon, and, except in very few cases, they knew well what their dispute was about. He believed the procedure of the Court of Probate was so simple as to enable all questions of the kind to be decided in a summary and expeditious manner, and the same might be done by judges of local courts. The question whether the judge should be locally resident was a difficult one. Having resolved to abstain from all interference in religious or political questions, he had been able to maintain a perfect independence, and were he not a resident in the district he could not superintend and control the working of every court in his circuit as he now did. In case of any difficulty on the part of the registrar, or of any sudden *ex parte* application, he could easily be communicated with, and admitting the possibility of a resident judge having his mind influenced by the society he mixed with, his personal experience was that where a man was not a party man he could be independent and his independence would be respected. No gentleman with whom he dined would think of speaking to him on any matter affecting his judicial functions. Had he not decided on residing in the district he should next year be enjoying what most men prized next to promotion in the profession, the honorary treasurership of Lincoln's Inn. He had abstained from any allusion to the criminal jurisdiction because it involved more extensive changes, and because the Judicature Commission had given the go-by to it. The criminal jurisdiction, not disposed of at Quarter Sessions, would be disposed of by judges on circuit. The suggestion that there should be centres and that each division should contain ten places, seemed to him impracticable, for the judge would never have a home. He himself sat 145 days in the year, and though he sat only four days a week he was discharging public business during the other days, or consulting authorities and writing judgments. The simple procedure of County Courts was capable of being made an efficient means of administering justice in every form, relieving the suitor and the solicitor from the trouble and expense of sending cases up to London. Any country solicitor would testify to the evils and labours cast upon him through his inability to keep his cases under his own control.

Dr. RYALLS also replied: As to residence, he remarked that the necessity of avoiding influence imposed an additional labour on the judge, who, moreover, could not reside in a district without becoming acquainted with it, and without his mind being insensibly influenced. He did not underrate the work done by County Court judges out of court, though a written judgment was quite the exception. The judges of the superior courts derived great advantage from sitting together and hearing each other's opinions, whereas a County Court judge was isolated, and though he might read the reports he did not live in the midst of the legal life of England. As to "scenes," he had in sixteen years' practice witnessed things in County Courts which ought not to occur. He had not referred in his paper to magistrates' clerks, but the plan he suggested would absorb everything under the superior courts. The registrars had certainly a very large jurisdiction in bankruptcy, it might be said, indeed, the jurisdiction of judge and registrar together. They could exercise the whole jurisdiction in bankruptcy, which, as Mr. Daniel

had said, was a greater jurisdiction than that of any other judge in the land. The sooner those powers were taken away the better.

The CHAIRMAN (Mr. Harcourt) wished to see the principle of local jurisdiction extended. It was monstrous that a town like Leeds should be compelled to send up witnesses to London in order to try questions of fact. He had been told, indeed, that the solicitors rather liked going up to London, but the general public must surely desire an extension of local jurisdiction. It was a great hardship, moreover, on London jurymen that they should have to try country cases. He desired a change in the law which should compel people to have their cases tried in the jurisdiction in which they arose. The distinction between local and transitory causes was an absurd one; either all cases might be allowed to be transitory or all local. He should prefer the latter, were the country divided into proper districts. Why should a Leeds plaintiff be able to put a fellow townsman to the inconvenience of having the case tried in London? There must, however, be good provision made for trying cases locally. If, as Mr. Daniel proposed, the jurisdiction of the County Courts were extended to all local cases, they must be materially altered, for the public would not be prepared to grant them such powers as at present constituted. The public must first have greater confidence in their administration than, according to Dr. Ryalls's, and his own observation, was at present reposed in them. He desired to turn the County Court judge into a judge of the superior court. Now, though there were many eminent men who were County Court judges, and would adorn the highest posts in the profession, this was not universally the case, and it was desirable that they should be judges of the same character and with the same salary as judges of the superior court. He could see no objection to being resident in the locality, if they had to make a circuit of various towns, for he had never heard it supposed that a judge was likely to be influenced by the people amongst whom he lived. He had been surprised to find the extremely small number of cases tried in the country. Excluding the Home Circuit, which it was proposed to abolish, only 800 causes were tried in the country last year. Now, dividing these among the six judges he proposed, having ten places each, and four circuits a year, each judge would have three causes to try a week. This was on the supposition of his sitting a week at each place, and sitting four times a week. The number of causes tried on the Midland Circuit last year, at both Assizes, was 143, in the Norfolk circuit 58, the Northern 27, the Oxford 97, the Western 62, the Bristol 40, North Wales 35, South Wales 26, Durham 11, and Lancaster 306. Thus, assuming the business to remain the same, the number of judges he proposed would be far in excess of what was absolutely required. Mr. Wilberforce had pointed out the waste of time at some places, and the deficiency of time at others. This was owing to having too few places. Business, like air, expanded according to the size of the receptacle. The first day a cause would last the whole day, but the last day the causes were got through in a rough and ready fashion, like an elephant going through a jungle. If, however, a judge could ascertain the business beforehand, he would distribute it conveniently. Mr. Daniel had objected that the judge would never have a home, but he would assign these districts to the youngest men, on their being first raised to the Bench, making them eligible after a few years' hard work for removal to London. At present the same judge decided important questions of law, and haggled over a tradesman's bill. Now, he should like to distribute the business so that all questions involving important questions of law went to the resident judge of the supreme court, leaving petty matters of account to some inferior judge resident in the district. If an important question arose before the latter, he would give an appeal to the superior judge residing in the district, who might appoint certain days for appeals from the inferior judges under his jurisdiction. In this way a great deal of money might be saved. He had been startled to find in the Judicial Estimates, that the sum voted for County Court judges was 446,000*l.* a year. They sat on an average only 130 days a year, or half the days the superior judges sat, and the inference was that there were too many of them. The judge of circuit 5, including Rochdale and Salford, sat, indeed, only 88 days; circuit 18, 100 days; circuit 17, 113; so that practically they sat only a quarter of the year. The judge of circuit 47, including Greenwich, Lambeth, and Woolwich, sat only 119 days. It appeared as if the number of judges, therefore, might with advantage

be curtailed. As to the criminal jurisdiction, he concurred in the opinion as to the unsatisfactory condition of the unpaid administration of justice. If there was a judge of the superior court sitting in every considerable place four times a year, the criminal jurisdiction of Quarter Sessions might be dispensed with altogether, for probably four days in the year at each place would dispose of all the cases. The inferior cases might be remitted to inferior judges, who would probably be better fitted than unpaid magistrates for the administration of justice. He agreed in the impropriety of turning courts of justice into debt-collecting machinery, a system which had grown up out of the collection of money by instalments, the execution becoming the machinery for collecting debts. He should be glad to hear how, consistently with the system of instalments, and one of the most valuable features of County Courts, this could be avoided. The character of County Court suits was strikingly shown in the official return before him. Out of the suits which came to trial, 96 per cent. resulted in a verdict for the plaintiff, there being only 1·8 per cent. for the defendant, and the remainder being nonsuits and failures from other causes. This showed that practically it was a court for undefended actions, for he did not suppose the judge had a stronger feeling for the plaintiff than the judge of other tribunals. He had not contemplated the local courts being courts of procedure and law. That would be a great change, for the theory of our law was that all suits arose at Westminster, and that *Nisi Prius* sittings were for trials of fact. He had only proposed to give the district judges *Nisi Prius* jurisdiction, and he did not think issues of law could be as well tried in the country as in London. Procedure and issues of law must be reserved for the superior courts in London, localising the trial of facts, and thus avoiding the expense of witnesses travelling up to town. Mr. Wilberforce thought it would be more convenient to have a central place than a number of places. From his own experience on circuit he should not have thought so. If all Bradford, Halifax, and Doncaster cases were tried at Leeds, people would be put to expense and trouble in waiting for their cases to come on, as they could not be certain of the time, whereas this would not be the case if the cases were tried in those towns. Such matters of detail, however, must be determined by the general experience of the profession. The only question was whether a larger jurisdiction should be given to the County Courts as at present constituted, or whether they should not be reconstituted, a superior judge being put at the head of them to preside over the district, with a sufficient staff of inferior judges to try the less important cases, an appeal lying from them to him. He would thus transact the more important civil and the higher criminal jurisdiction of the district.

Mr. DANIEL reminded the Chairman that though 446,000*l.* was voted for the County Courts, exclusive of buildings, there was a set-off of 367,000*l.* received for fees.

The CHAIRMAN was aware of this, but the same remark applied to all the rest of our courts. Thus the Court of Chancery cost 176,000*l.* but a great portion of it was repaid in fees. In considering whether the expenditure was too much the gross sum must be looked at, and it seemed to him that 446,000*l.* was more than was necessary for the County Courts.

Mr. T. WEBSTER, Q.C., pointed out that if local trials were made compulsory a difficulty might arise in case of breach of contract, the defendant often residing in foreign parts or at a distance. This would require consideration. In his opinion the place of residence of the attorney would be the most convenient for the trial. He admitted the hardship of cases being taken to London.

INTERNATIONAL ARBITRATION.

On the Washington Treaty, and its Influence on International Arbitration. By Professor LEONE LEVI, F.S.A., F.S.S., Barrister-at-Law.

FOR several years past, differences have arisen between the United Kingdom and the United States, which threatened to bring the two countries into open hostilities. A correspondence, sometimes angry, seldom conciliatory—speeches in the Senate or in Parliament, often very vehement, and seldom uttered with proper regard to responsibility for consequences, have, at times, embittered the relations between the two countries and greatly exaggerated the importance of the subjects in dispute; and it was only after years of fruitless effort that a way has been found for the solution of the difficulty. The principal subjects of difference were:—

(1.) The fisheries, or whether certain expressions of the Treaty of 1818 were intended to exclude American vessels from coming in shore to traffic, tranship fish, purchase stores, &c.; and whether the three marine miles of any coast should mean a limit from the coast-line, or from a line drawn from headland to headland. (2.) The free navigation of the River St. Lawrence, and privilege of passage through the Canadian canals, the Americans intending that the privilege accorded by the Reciprocity Treaties should extend to canals constructed by Canadian enterprise through British territory, including the transit of goods through Maine, and lumber trade down the River St. John. (3.) The Manitoba Boundary, requiring the completion of the survey of the boundary along the 49th parallel. (4.) The Alabama, Shenandoah, &c., claims, being claims against Britain for damage sustained by the depredation of these vessels. (5.) The San Juan Water Boundary. (6.) Claims of British subjects arising out of the civil war in America. (7.) Claims of the people of Canada on account of the Fenian raids.

It will be seen that some of these subjects of dispute were of long standing, and that one and all of them have given rise to much quarrelling, and diplomatic negotiation and correspondence. Happily, however, such negotiations never ceased, and a strong desire was manifested on the part of the people of both countries that, at whatever cost, war should be avoided. The British and American Governments, being interpreters of such desire, continued unremittingly in their efforts at conciliation, and finally succeeded in arranging that commissioners should be appointed by the British Government to proceed to Washington for the purpose of discussing in a friendly spirit, with commissioners to be appointed by the Government of the United States, the various questions on which differences have arisen between Great Britain and that country, and of treating for an agreement as to the mode of their amicable settlement. Accordingly, in February, 1871, the High Commissioners of both countries met in conference, and in a short time arrived at an

agreement, which became the basis of the Washington Treaty, signed on the 8th of May, 1871, and ratified on the 17th of June. By this Treaty the Alabama Claims were referred to a tribunal of arbitration, to be composed of five arbitrators, to be appointed by the Queen of England, the President of the United States, the King of Italy, the President of the Swiss Confederation, and the Emperor of Brazil, to meet at Geneva. And for their guide certain rules of maritime law were agreed upon respecting the duties of neutrals, with reference to the fitting or arming of ships in neutral ports, the using of such ports as the basis of naval operations by one belligerent against the other, and the exercise of due diligence so as to prevent the violation by any person of neutral obligations and duties.

Any other claims of American subjects upon the Government of Her Majesty for acts committed against them, and the claims of British subjects against the Government of the United States for acts committed against them, between April, 1861, and April, 1865, were referred to three commissioners, one to be nominated by Her Majesty, one by the President of the United States, and a third by both conjointly; or if such be not so named within three months, then the same to be named by the representative at Washington of the King of Spain, the commissioners to meet at Washington. The fishery claim was conceded to a certain extent, and settled, but it was agreed that if any further disputes should arise on the subject the same shall be referred to a commissioner in the same manner as above, except that the third commissioner may be appointed by the representative in London of the Emperor of Austria. The navigation of the River St. Lawrence, Yukon, Purcopine, and Stikine, and of certain canals in Canada and the United States, was declared free, and provisions were made for the transit of goods through both countries. Britain engaged that no export duty should be imposed by Canada on lumber or timber. The dispute regarding the boundary line on the 49th parallel of north latitude was left to the arbitration of the Emperor of Germany.

From this analysis of the Treaty of Washington, it will be seen (1st) that after useless expenditure of time, and after earnest efforts on both sides to settle the dispute by direct negotiations, the different disputes had to be left to the arbitration of as many as five powers, namely, Italy, Switzerland, Brazil, Spain, and Austria. (2nd.) That the satisfaction with which the Washington Treaty has been received on both sides is the best evidence of the disposition of the people to submit to, or abide by, whatever award a properly constituted Board of Arbitration may make. (3rd.) That the success of these negotiations should afford encouragement to Her Majesty's Government to act on the same principle in any further disputes with other powers, and, if possible, to anticipate the exigencies by the conclusion of special treaties with foreign powers for the establishment of a permanent board of international arbitration.

Report of the Special Committee appointed to inquire "Whether some General Scheme of International Arbitration or Conciliation cannot be usefully recommended for adoption?" *

Your Committee having met to consider what course should be taken in furtherance of the reference made to them by the Council, touching a question of so much delicacy and importance, resolved, before entering into a deliberate discussion, to elicit, as far as possible, the sentiments generally entertained on the subject by the issue of a number of queries to persons of eminence and authority throughout the country. And your Committee gratefully acknowledge the receipt of many valuable papers and documents, in answer to such queries, which greatly assisted them in their deliberations.

By desire also of your Committee, a paper was read at a special meeting of the International Law Section by Professor Leone Levi, over which Mr. Vernon Harcourt, Q.C., M.P., presided, and which elicited a lengthened discussion. The paper and discussion on the subject were published in the "Sessional Proceedings." And after careful consideration your Committee have the honour to submit the following report:—

(1.) Scarcely any question can be suggested of greater importance to the welfare of the world, than whether some general scheme of international arbitration or conciliation cannot be usefully recommended for adoption. That war is a most barbarous mode of settling international questions, that the passions it engenders, and the destruction of life and property it produces, are evils of enormous magnitude, is universally admitted. What is wanted is some substitute for war; some other effectual means of settling the quarrels, misunderstandings, and claims, which from time to time arise between different States. Hitherto, the only methods employed for the peaceful settlement of international disputes have been of an occasional and tentative character. Claims for compensation, questions of boundary, disputes as to the interpretation of treaties, and other similar questions, have occasionally been referred to the arbitration of some third party, or to the settlement by commissioners. Much more frequently wars have been prevented or terminated through the mediation or good offices of some friendly power or powers; whereas the Luxemburg difficulty between France and Prussia, and, still more recently, the Black Sea question, have been settled by conferences of the great powers. But none of these methods can be adopted, except with the consent of all the parties to the dispute, and not unfrequently the negotiations for this purpose occupy a considerable time, during which the feelings of the negotiators and of their respective nations become

* See *Transactions*, 1870, p. 169. Reported to the Council and ordered to be circulated.

excited, and things are written or said which cause extreme irritation and bitterness, and render a peaceful settlement almost impossible. For these among other reasons, your Committee have come to the conclusion that it would be highly desirable that an organization of a permanent character should be created by a general international agreement, empowered to take cognisance of disputes, without waiting until the parties had in each particular case mutually agreed to have the matter so settled.

(2.) Such an organization, in the opinion of your Committee, should assume the character of a Congress of Nations, and should comprise, as far as possible, all civilized States. But whereas, in its usual acceptation, a congress is understood to mean a meeting of ministers or sovereigns of different States, called into existence for one or more specific purposes, such as to conclude a treaty, to determine the consequences of a treaty already concluded, or to settle undecided points of international law, and terminating when the specific object has been accomplished—the Congress of Nations which your Committee propose is, on the contrary, one that should have a permanent organization. It has, indeed, been suggested that the different States of Europe should form a federation, and constitute themselves into an International State on the model of the United States of America, with an international government and an international army; but your Committee are of opinion that the circumstances are not analogous, and that any such organization would be impracticable. All that your Committee contemplate is a simple organization, already at hand, and available at all times, for the peaceful settlement of international disputes. And to prevent this organization being rendered less effective by the refusal or delay of the respective parties to refer their differences to the Congress, your Committee recommend that such Congress may be summoned by any two constituent States, in order to deliver its verdict upon any disputes tending to disturb the peace of the world before that excitement of national feeling shall have arisen which renders the peaceful settlement of such disputes almost impossible.

(3.) There was a general agreement among your Committee, that it would be scarcely practicable to include in the proposed system barbarous or semi-barbarous States, but their opinions were divided as to whether it should be limited to Europe, or should also include the States of North and South America. Your Committee have, however, come to the conclusion that it would be better, in the first instance at least, to limit the intended organization to Europe, but that as soon as the same shall have been established, an invitation may be sent to the United States to join it, and so successively to other States.

(4.) In order that the proposed Congress may be a complete substitute for war, it seems essential that its sphere should embrace all questions which may possibly lead to war. Nevertheless, it is extremely important to preserve the internal independence of each State, and preclude the Congress from interfering between a govern-

ment and its subjects, or between a mother country and her colonies. Yet this exclusion of internal affairs from the sphere of the Congress, if not qualified by any exception, would leave a prolific cause of wars untouched. One of the most sanguinary of recent struggles, the last American war, was an internal contest between the different members of what towards foreign governments constituted a single State. Another great war, which eventually involved many European States, originated in the revolt of England's North American colonies. It seems to your Committee at least to deserve consideration, whether power should not be reserved to the Congress to offer its good offices, whenever a civil or a colonial war is on the point of breaking out, to the great injury, not only of the parties concerned, but of every other State.

(5.) Besides strictly internal questions, there are a variety of matters which, according to existing international usage, each State is allowed to regulate for itself, although they often materially affect the welfare of any other States, or of its subjects. For instance, each State is at liberty to regulate the intercourse of its own subjects with foreigners, and either to prohibit or levy taxes on exportation and importation. Your Committee do not contemplate that the proposed Congress should be empowered to interfere with such matters as these. Its sphere should be limited to questions which, according to existing international usage, are capable of constituting legitimate causes of war.

(6.) Many questions, however, would come before the proposed Congress which could not be conveniently dealt with by all the members in their collective capacity, as, for example, claims for compensation, and questions of disputed territory. Your Committee would suggest that in order to meet such cases, and in order that the Congress may act in a semi-judicial capacity, a Court of Reference composed of a limited number of persons, some of them international jurists, should be established by the Congress. Such a court should have the character of a court of the law of nations, and its proceedings should be as far as possible similar to those in a Prize Court. It would be desirable, however, that the reference to the court should be made by the Congress itself, and that its decisions should be reported to the Congress, and by the same communicated to the interested parties.

(7.) Your Committee do not consider it advisable to place any express limitation upon the nature of the award. The payment of pecuniary compensation, the making of apologies, the extradition or trial of offenders, the cession of territory, the demolition of fortresses, the specific performance of treaty obligations, and, indeed, everything which, according to the present usages of international law, may be imposed upon a defeated nation by the victors, should alike be within the competence of the Congress to adjudge.

(8.) In considering the nature and functions of the Congress, the most important question your Committee have had to determine is, whether its decisions should have merely a moral authority, or

should, if necessary, be enforced. Upon this question there is a great difference of opinion, both inside and outside your Committee. It has been urged in favour of force, that any mere expression of opinion, not backed by force, however weighty the congress or tribunal from which it might emanate, would be powerless to control sovereigns and peoples inflamed with angry and ambitious passions; that if the proposed congress or tribunal were merely an organ of public opinion, it would probably find great difficulty in holding its own against unofficial competitors; that the best guarantee for peaceful submission to its decisions would be the knowledge that they would, if necessary, be enforced by a power so great as to render successful resistance hopeless; that confidence in the protection of some congress or tribunal, which should be not only just but powerful, is the only thing which can ever induce nations to reduce their overgrown military and naval armaments; and that the individual interests, which at present often hinder the combined action of different States for the maintenance of peace, or the prevention of injustice, would cease to do so if they could no longer be furthered by independent action, either alone or in alliance with other particular States, and could only be attained by peaceful means, by appealing to, and obtaining, a favourable decision from the congress or tribunal. On the other hand, in favour of moral action pure and simple, it has been argued that a reference to arbitration or mediation must be by its nature an appeal from force to reason; that its very object is the avoidance of war; that any attempt to establish an international government, with coercive powers, would excite a great deal of jealousy and distrust; that any agreement for combined action in enforcing decisions would be certain to be defeated by the particular circumstances of the different States at the time when the occasion for such enforcement should arise; that, in certain cases, the united forces of all the States represented by the Congress might be weaker than the forces of the recalcitrant parties; that whether weaker or stronger, the complications, difficulties, and evils of war, would be tenfold aggravated by bringing so many nations into the contest; and that there would be quite as little guarantee that justice and might should go together, were the Congress to act collectively, as if each nation were left to defend its own rights. Your Committee regret the want of unanimity on this important point, but even among those of its members who consider that the decisions of the Congress ought to be enforced, there are some who trust that the very existence of the proposed Congress, with only a moral authority, would strongly tend to prevent war, that its decisions would have great moral weight, and that by its organization many difficulties and occasions of strife would be removed, or settled in an amicable and satisfactory manner.

(9.) The Congress which your Committee propose should consist of deputies appointed by all the States entering into the agreement. In view, however, of the extreme disparity of the different States in

territory, population, wealth, and commerce, it might be desirable to establish certain relations between these elements, and the number of members to be deputed by each State. It is, moreover, worthy of consideration whether the concurrence of a majority of say two-thirds of the Congress should not be required before any award is definitely pronounced, at least where such award is not based upon a judicial decision by the Court of Reference.

(10.) Your Committee desire to draw particular attention to the wish expressed in the Paris Protocol of 1856, "that States between which any serious misunderstanding might arise should, before appealing to arms, have recourse, as far as circumstances might allow, to the good offices of a friendly power." They are of opinion that, pending the realisation of the larger measures proposed by them, it would be a practical and useful recommendation for the Association to make, that the wish expressed in that protocol should be turned into a definite treaty obligation, substituting discussion by a Congress for the good offices of a friendly power, and excluding the nullifying limitation, "as far as circumstances might allow." Let it be agreed, that "States between which any serious misunderstanding may arise shall, before appealing to arms, submit their differences to discussion by a Congress of the contracting powers." This would not bind them to abide by the decision of the Congress, but the result would be that the State which felt itself aggrieved would be able to summon a Congress to meet forthwith in the capital of some third power; a discussion would ensue, in the presence of diplomatists fully informed of the facts, and keen to detect sophistry in the reasoning on them; the public opinion of the world would be enlightened and aroused. A State whose armies cross its frontiers without having submitted the difference to a Congress, will commit a breach of treaty towards all the other powers, and thereby give them an immediate right of hostile interference, the exercise of which, however, would depend on their discretion, although its very existence would constitute so formidable a danger as greatly to increase the improbability that war would be so commenced. Imperfect as this stipulation would be, your Committee are of opinion that it would not only prepare the way for the larger measures they have proposed, but in itself tend to secure the maintenance of peace.

(11.) Your Committee, moreover, approve of all partial applications to arbitration, whether it be by the reference of particular disputes to arbitration, or by the insertion in treaties between particular States of clauses providing that any dispute which may arise upon the same be referred either to special arbitrators or to the Congress as proposed.

(12.) The main conclusion which your Committee have arrived at is the establishment by a general treaty of a permanent organization for the settlement of international disputes, having the character of a Congress of Nations, with a Court of reference for the more careful adjudication of claims and questions of detail. And they believe that such a Congress would not only be of great help to the main-

tenance of peace among nations, but also facilitate the settlement of difficult questions of international law, and by its procedure and decisions eventually lead to the formation of a definite Code.

Mr. G. CHRISTIAN MAST read a paper, entitled a "Scheme for an International Peace Organization, to be promoted by a Festival of Nations, after the model of the Olympic Games."* Having briefly noticed the deplorable results of the recent war, and the international jealousies and suspicions to which it gave rise, he stated that his object was to help to put down deadly strife, and to restore again the mutual confidence of nations. To effect these most desirable ends, he proposed a union of all those who acknowledge, and would make the conviction prevail, that war is a barbarous means of redress; that arbitration ought to be the resource in international differences; and that, consequently, standing armies ought to be gradually reduced and finally abolished. This union, however, is not to be merely one of sentiment. By united and energetic action, a considerable number of persons favourable to the cause should be returned to the several legislative assemblies, out of whom subsequently an International Congress should be elected. The natural outgrowth of this superior Parliament would be a High Court of Arbitration, the position and functions of which with regard to the organized States would be similar to those of the Law Courts in the respective countries. He proposed as an ingredient of the scheme a Festival of Nations, and selected as a model the Olympic Games of ancient Greece. To the influence of these games, he said, must be referred much of the culture, both corporeal and intellectual, of that most cultivated nation of olden times. They prompted the education at once of the two principles which constitute man, developing and strengthening the powers of his body, as well as elevating his sentiments and refining his tastes; and he anticipated that their re-establishment would now be productive of similar results. Accordingly he proposed that the festival should consist of—(1.) Gymnastic exercises and athletic sports; (2.) Musical performances; (3.) The universal tribune; and (4.) International exhibitions of objects of art, science, and industry; held at regular periods, under the management of the Peace Organization, whose agents would pervade society in every civilised land. This festival would doubtless present one of the grandest spectacles the world has ever seen; and it would doubtless also contribute incalculably to the benefit of mankind.

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* This Paper has been printed in full by the Author.

*Reforms suggested in the Procedure of our Courts of Equity and Law.** *By* H. D. JENCKEN, Barrister-at-Law.

I KNOW of no subject which possesses greater interest to the historian than that of the development and progress of the administration of justice in the tribunals of a civilized country. In England this is especially the case, as our laws from the days of the Edwards and Henrys have been the true representatives of the intellectual development of our nation. At a period when our learning was principally directed to classical studies, and when, moreover, ecclesiastics were the only learned men in the land, the forms of pleading, the practice, the procedure in our courts, the very nomenclature used in legal writings and in Acts of Parliament were borrowed almost entirely from the Canon Law. Useful as these modes of procedure may have been, the day arrived when the advancement of civilization, the increase of wealth and commerce, rendered these legal forms unsuited to the purposes for which they were originally employed. The original writ, the origin of our forms of pleadings, soon fell into disuse, and the rule *Non potest quis sine breviagere* yielded to systematized forms, to which the Statute of Westminster the Second gave legislative sanction. Passing on to the time of Henry VIII. we find that the writs referred to were collected in a Register of writs; and from that period to our own time we are enabled to trace in the language of the writs, and the various forms of actions at Common Law, the very nomenclature used centuries ago in actions of debt, Covenant, Assumpsit, Trover, Detinue, Trespass, and Trespass on the case. The Common Law Procedure Acts have somewhat modified these antique and rigid forms; but the evil yet exists of undue technicalities in our pleadings, and a wordiness in the use of our legal language occurs that not only embarrasses, but obscures our judicial learning. A well fought action, as the profession designates those hazardous encounters with forms of procedure, presents a sad illustration of the utter want of simplicity, abuse of logic, and want of judicial knowledge on the part of those who framed the forms of pleadings, and fostered the practice. First we have the writ, then the appearance; following this the declaration, possibly containing some score of counts; to each of these "pleas," raising issues which compel the plaintiff to amend his declaration, then pleas to these amended counts; and then demurrers to one or more of these. Before the demurrer can be heard, the facts have to be determined. And finally, after perhaps a loss of time involving months, or even years, the case comes on for argument, briefs are delivered, when, to the disappointment and disgust of the suitor, the cause cannot be reached, or if reached, so little time can be spared, that *nolens volens*, the matter is, what is professionally termed, referred. During the whole of the period of this intricate navigation the utmost

* See *Transactions*, 1865, p. 143.

vigilance is needed, lest by any slip or mishap the cause should be stranded upon one of the many reefs in the practice of the Court.

In our Chancery Courts, although another system has been pursued, the complicated nature of the procedure defies all parallel in legal history. The forms of the Canon Law, or as the German and French jurists designate it, the "Roman Canon Law," has been preserved. I need not dwell upon the historical development of our Courts of Chancery, this is familiar to you all. It will suffice if I submit for your consideration the outlines of a Bill and Answer in Chancery, and the mode of taking evidence; and I doubt not but that you will agree with me when I state that the Canon Law form of petition—the "*Imploratio officii judicis*" has been exactly imitated by our Equity draftsmen.

First we have the address, "Humbly complaining, shows," &c.; then the prolix quaint mode of stating the case, and finally the prayer. The formal language employed was familiar to continental jurists centuries ago, but fortunately the increase of juridical learning, and the practical necessity of adapting the language and procedure to the uses of a more advanced state of civilization, rendered the continuance of these obsolete forms undesirable.

In England, on the other hand, strange enough to say, though the Roman law, so rich in its principles, has been most injudiciously all but ignored, and is even at the present day looked upon with suspicion, the quaint forms of pleading introduced by the canonists have been, nevertheless, strictly adhered to in our Courts of Equity, Probate, and Admiralty. Even the Canon Law "*sponsio præjudicalis*," was only abolished by the 8 & 9 Vict., c. 109. The Canon Law mode of taking evidence by administering written interrogatories to be answered by written depositions, the very form of replication, duplication; the mode of closing the pleadings; the rules as to the production of documents, the examination of witnesses before an examiner, the proceedings in court, the decree, all these are strictly copied from the forms of the Canon Law. Nothing can exceed the voluminous bulk of a record in Chancery, when at last the day arrives upon which the mystic process designated "closing the evidence" is performed. The whole procedure would be simply "ludicrous," if, as Mr. Daniel justly observes, "it were not too plain that it is oppressive." Indeed, to any one who has given due attention to this subject it is matter of surprise, that it should be possible to continue a system, which has inflicted and still inflicts so much loss and suffering, such cruel sacrifice of property and time, and such injustice upon suitors; a system, I do not hesitate to say, which has practically closed the doors of the forum of justice upon all, save the wealthy and the powerful.

I have, however, said enough, I hope, to convince you that the forms of our Chancery proceedings are, even at this day, despite of the many improvements the 21 & 22 Vict. c 27, and 25 & 26 Vict. c. 42, have effected, wholly unsuited to the requirements of the times.

Turning to our Courts of Admiralty you will find that until the

amendments effected by the 3 & 4 Vict. c. 65 & 66, 7 & 8 Vict. c. 82, 9 & 10 Vict. c. 99, and latterly by the 17 & 18 Vict. c. 104, the quaintest possible procedure, and, though recently somewhat improved, the nomenclature and the practice of the Court remains quite characteristic, and contrasts most unfavourably with that pursued before the tribunals of other Courts in other countries. Equally obsolete are the proceedings in our Courts of Probate. In the Court of Divorce and Matrimonial Causes—established by the 20 & 21 Vict. c. 85, a more simple form of petition has been adopted, and it is with a feeling of relief that I find myself confronting a plain narrative of the cause of action and an intelligible prayer, or request for the relief needed. I have thus far dealt with our principal Courts of Record, and have now only to allude to the complicated rules and the intricate practice of our Courts of Bankruptcy.

The mere fact, that an estate is thrown into this Court, involves the extraordinary consequence, that all questions between the bankrupt estate and third parties have to be tried by a procedure absolutely different from that in use in the Courts of Equity and Law.

The loss of time involved, the enormous costliness of the present system, naturally forces upon us the question, whether there is no remedy for this crying evil? The answer to this question must be in the affirmative. The evil is remedial, and the only question is, how to apply the remedy.

In the first place, the pleadings in all the Courts of Law and Equity ought to be upon one model, and no better form could be found than the simple form of petition now in use in our Courts of Divorce and Matrimonial Causes, or that adopted by our Courts in India. All technical language ought to be avoided, the prayer ought to embody the nature of the relief required. The Court should have unlimited power to amend the pleadings at any stage of the cause. I would suggest that all proceedings should commence with a writ, that entrance of appearance should be abolished, the defendant having eight days allowed after delivery of particulars, or declaration to plead. All causes under 25*l.* and which do not involve questions of title to land, or are representative cases, to go to trial upon particulars of demand being furnished, and without pleadings, unless by leave of a judge, or by a *Court of Practice*.

A *Court of Practice* should be attached to every Court of Record in the land. The present system of settling pleadings, interrogatories, and other matters in chambers is as burdensome to the overworked judges, as it is unsatisfactory to the suitor.

An important question for discussion is that which relates to the mode of taking evidence. All testimony of witnesses, wherever it is possible, ought to be oral. Nothing can exceed the uselessness, the delay, and the expense of written answers to written interrogatories. Any one acquainted with the proceedings of our Equity Courts will confirm what I say on this subject.

Under the present vicious system—after the depositions have been filed, first come the cross-examinations, then the corrections, and when the vast store of depositions, cross-examinations, affidavits, have been exhausted, the whole mass of writing is printed, and at what an enormous cost! At the hearing, the evidence is slurred over, distorted, disjointed; and the judge is required almost by intuition to draw correct inferences from the incoherent and undigested mass of crude material before him.

With all its many defects, oral examination has the great advantage of throwing a flood of light upon the conduct and the intention of the parties, whatever the transaction may happen to have been.

I would preserve, however, the system of interrogatories, by leave of a judge, as tending to diminish the expense of the production of evidence; and in chambers the production and inspection of documents ought to be allowed as a matter of course.

At this point of my inquiry, I find myself all but involuntarily confronting the now much mooted question of the fusion of the Courts of Equity and Law. For such fusion the County Courts are rapidly preparing the way.

I will now speak of the mode of trial and the question of Courts of Appeal.

I suggest that the courts at Westminster and at Lincoln's Inn be abolished. My first object would be to decentralize the whole of our judicial system, and to create District Courts throughout the kingdom. These Courts to be composed of three puisne and a resident chief judge; and to possess unlimited jurisdiction over all causes arising within the limits of their district whether the cause be of fact, or of law, or involving questions of equity, probate, or matrimonial or admiralty causes. In a word, all actions or suits should be initiated in the Courts of the First Instance, or District Courts. Attached to these courts I suggest that a *Court of Practice* should be established to take the place of the duties of judges in chambers, save in questions of arrest. I would also give to these District Courts all the powers of a Bankruptcy Court, and jurisdiction in liquidations of companies registered as domiciled within their respective districts.

All pleadings to be as simple and non-technical as possible; the simple form of pleading now in use in our supreme courts in India or those adopted by our Divorce Courts, would, indeed, constitute excellent models for our guidance.

In questions of fact, the suitor to possess the right of demanding a special jury. All common juries in civil actions to be abolished. No one acquainted with the working of our common juries will deny that a change is imperative in this respect. In our County Courts, where a judge decides both the fact and the law, juries are only very exceptionally required.

Within each district, Petty Debts Courts to be established with jurisdiction up to 5*l*. In these Courts the rule of pre-audience for the Bar to be dispensed with; whilst in the District Courts the privilege of the Bar to be continued. Appeal lying from the Petty

Debts Courts to the District Courts. From these District Courts appeal to lie to Courts of Appeal of the First Instance, to be composed of five judges and chief judge, three to form a quorum. I would suggest five Appeal Courts of the First Instance, namely—North and South Wales, the northern counties, midland counties, and London, to include the southern counties.

These Courts of Appeal to have the right of either reversing the judgment of the Courts below, or of pronouncing judgment upon the merits, with power to amend the record and require the production, should the justice of the case demand this, of additional evidence.

The Courts of Appeal to be the supervisors in all matters of trusts, charities, lunacies, &c.

The criminal jurisdiction within the district should appertain to the Court of Appeal, as a Central Criminal Court, with appeal to the Court *in Banc*, in all Crown Cases reserved—I specially lay stress upon this point, as it is of the utmost importance to our liberties that the judges who preside at our criminal trials should be judges of our superior Courts. Each district to be divided into circuits for criminal cases.

Final appeal from these Courts of Appeal to lie to a Supreme Court of Appeal in London, to be composed of nine judges, a President, and Vice-President. Four to form a quorum, the Lord Chancellor to be *ex officio* President of this Court, and the Law Lords of the Upper House to be members of the Court *ex officio*, but not salaried members.

Appeal to the House of Lords to be abolished. Indeed the public have already practically discontinued the use of this costly and supreme tribunal of appeal. On the Common Law side, that is from the Exchequer Chamber, on the average, only six cases are annually entered; from the Courts of Chancery about twenty; from the Divorce Courts, about four.

In 1864 and 1865, appeals from Irish and Scotch Courts amounted to less than thirty annually. Of these causes only about one half were prosecuted to final judgment. We have thus the astounding fact that of all the many cases that are fought out annually in the Courts below in England and Wales, only three on the Common Law side and a half score on the Chancery side drift up to the House of Lords. To call the Lords in the face of such facts a tribunal of final appeal is simply a misnomer.

In a brief sketch like the one I have ventured to present to you, I am aware I have not touched upon many important points; I can only present the boundary lines of the changes required in our judicial system. In multiplying our Courts, the direct expenditure may be increased, but I think not to the extent that may be feared, if we absorb our County Courts. The able men who fill the Judicial Benches of these Courts should be advanced to the superior position of judges of our District Courts. But even admitting that the increase of expenditure would be great, the enormous benefit to the country in possessing an improved administration of the law can

hardly be over-estimated. The tribunals of the land are for the use of the people, and wherever the costliness and the delay of a faulty procedure hinders that use, the uttermost injustice must be inflicted. I heartily concur with Mr. Daniel, when he says, that the denial of justice which practically results is most "demoralizing to the community."

MISCELLANEOUS.

Mr. JOHN LASCELLES, Barrister-at-Law, read a paper on "Grand Juries and the Pleas of Criminals." The object of the writer of the paper is to show how the country may be saved the expense which it now incurs in bringing witnesses to assizes and sessions, to be in readiness to give evidence against prisoners who plead guilty to the charges made against them. All these witnesses are paid so much a day during the time they are in attendance, and they also have their travelling expenses repaid to them. The money which is paid by the State in respect of them amounts to a large sum every year. Its indirect loss occasioned by bringing warders of prisons to be in readiness to prove previous convictions against prisoners charged with them is also considerable. These public servants are sometimes brought from distant parts of the country. They are withdrawn from the discharge of their regular duties, and are often kept in enforced idleness about our Criminal Courts for two or three days. Our present method of procedure obliges the persons in charge of prosecutions to have witnesses in readiness to prove previous convictions, though it is well known to persons acquainted with the administration of our criminal law that prisoners, against whom such charges are made, almost invariably plead guilty to them as a matter of course. In addition to causing a wasteful expenditure of public money, our present method of procedure occasions a good deal of unnecessary inconvenience and loss to private individuals. Tradesmen and others are frequently brought away from their ordinary occupations, and, after being kept loitering about our courts, are told that they are at liberty to go home, as their evidence will not be required, the prisoners against whom they were ready to appear having pleaded guilty. The power of grand juries to call and examine witnesses, and our practice of taking the pleas of criminals after the commencement of the assizes or sessions at which they are to be tried, are the joint causes of the evils complained of. Grand juries meet on the day on which the trials are to begin, and prisoners may be called upon to plead and put upon their trials the moment true bills have been found against them. This being so, all the witnesses against all the prisoners have to be in attendance at the earliest time at which they may be called by the grand jury, and have to remain until the causes in which they are concerned are finally disposed of. The necessity which now exists for having witnesses in readiness to appear against prisoners who plead guilty, may be easily avoided by means of some changes in our procedure.

In order to do this we must either abolish grand juries or restrict them to the consideration of the depositions, and to any documentary evidence referred to. Additional evidence, turning up after the committals, being taken in the same way as the depositions are taken—put into writing, and attached to and forming part of them. We should also cause all prisoners to plead a day or two before the commencement of the assizes or sessions to which they have been committed, and should then only summon those witnesses whose evidence will be required, that is, the witnesses against the prisoners who plead not guilty, and who consequently have to be tried. In days when our judges were mere creatures of the Crown, and jurymen were liable to punishment for giving honest verdicts in cases in which it was a party, grand juries were no doubt great safeguards to the people. It is believed, however, that they have ceased to be necessary, and that they may be abolished with safety. Our judges, recorders, and chairmen of magistrates at quarter sessions may now be trusted to give prisoners all the protection to which they are fairly entitled, by directing acquittals when the cases against them are not made out by the prosecution. If the affection of the people for grand juries is so great that they will not submit to their abolition they may be retained, and the saving of public money contemplated may still be effected. This may be done by restricting them to the consideration of the written evidence mentioned above. It is not the duty of grand juries to try prisoners, but merely to determine whether there are *primâ facie* cases against them which they should be called upon to answer. The depositions and the documentary evidence referred to would afford all the information necessary to enable them to do this. Moreover, restricting them to the consideration of written evidence would sometimes prevent a failure of justice. The depositions are taken when the facts sworn to are fresh in the memories of the witnesses, and before the friends of prisoners have had time to tamper with them. Witnesses who have been tampered with sometimes try to twist their evidence, and to give false impressions, even when they are examined in open court by counsel whose intellects have been specially trained for the work. Such witnesses are much more likely to attempt and to succeed in doing this when they are examined by grand jurymen in grand jury rooms. If grand juries be dealt with as suggested, the attendance of witnesses against prisoners who plead guilty can easily be dispensed with. This can be done by appointing commissioners to sit and receive the pleas of prisoners a day or two before the commencement of the assizes or sessions to which they have been committed for trial. If grand juries be abolished the indictments should be made out by virtue of the committals. If they be retained, these commissioners might either charge them themselves or might read charges which had been written by the judges, recorder, or chairman of magistrates who would preside at the trials. They should have power to advise prisoners to plead not guilty in cases of doubt or difficulty, and to record their advice,

and should remit prisoners appearing to be lunatic, or standing mute of malice, to be dealt with as they are at present. The commissioners should sit in open court, and take the pleas both to the principal charges and to counts charging previous convictions, and should cause them to be duly recorded. Notice should be given to the witnesses against prisoners who had pleaded not guilty, or who had not pleaded for either of the reasons mentioned above, to appear at the trials to give their evidence. No notice should be sent to the witnesses against prisoners who had pleaded guilty, and the fact of receiving no such notice should discharge them from their obligation to attend the trials. On the first day of assizes or sessions the prisoners who had pleaded guilty should be sentenced. Those who had not pleaded should then be dealt with, and those of them found to have stood mute of malice when called upon to plead should be punished for their contumacy. The trials of those who had pleaded not guilty should then be proceeded with in regular order. Statistics collected by the author at Bolton and Manchester give some idea of the proportion of prisoners who plead guilty at borough and county sessions and at assizes held in Lancashire. The proportion who take this course is no doubt about the same in other parts of the country. During ten years ending July 29, 1870, the total number of prisoners called upon to plead at quarter sessions for the borough of Bolton was 1183; of these 459 pleaded guilty; 492 pleaded not guilty, were tried and convicted; and 232 pleaded not guilty, were tried and acquitted. At twelve sessions for the Hundred of Salford, held in the years 1869, 1870, the total number of prisoners called upon to plead was 718; of these 245 pleaded guilty; 362 pleaded not guilty, were tried and convicted; and 111 pleaded not guilty, were tried and acquitted. At six Manchester assizes held in the years 1869 and 1870 the total number of prisoners called upon to plead was 382. Of these 79 pleaded guilty; 217 pleaded not guilty, were tried and convicted; and 86 pleaded not guilty, were tried and acquitted. At the twelve Salford sessions and six Manchester assizes in question, the total number of prisoners against whom previous convictions were charged was 335; of these 332 pleaded guilty and 3 pleaded not guilty, but were found by the juries who tried them to have been previously convicted as alleged. The number of prisoners who plead guilty is so considerable that a very large sum would be saved every year by merely avoiding the necessity of bringing witnesses to be in readiness to give evidence against them. A much larger sum may, however, be saved by making another alteration in our method of dealing with criminals. Our present method of procedure, which is so lenient to persons accused of crime, was devised to protect the innocent, not to give the guilty a chance of escaping condign punishment. It frequently, however, enables the guilty to escape, and they should, therefore, be deterred from taking advantage of the chances in their favour which it affords them. This should be done by inflicting extra punishment upon all criminals wantonly putting the country to the

expense of trying them. This extra punishment should be prescribed by the Legislature, and should begin to take effect at the expiration of the sentence passed upon them for the crimes of which they had been found guilty. All prisoners pleading not guilty, and being afterwards convicted of the crimes charged against them, should be submitted to it as a matter of course, unless they had pleaded not guilty by advice of the commissioners who took their pleas. If this were done, more than half of the prisoners committed for trial would probably plead guilty; and about half of the sum now spent in prosecutions at assizes and sessions would be saved by the State.

A paper on "Unanimity in Juries in Criminal Cases," by Mr. ROBERT BULGIN, was read. The author pointed out that in no other tribunal is unanimity requisite to give validity to its decisions. Intellectual freedom has its rights in the jury box. Why should the perversity of one juror invalidate the verdict which eleven others have agreed to give? Exclusive of civil juries dismissed, there are annually upwards of four thousand criminals acquitted and discharged out of those sent for trial. The authority of law was in this way indefinitely weakened and its administration paralysed.

Mr. F. W. CHESSON read a paper on "The Macao Slave Trade." * He said: Since the abolition of negro slavery in the dominions of the chief Christian governments of the world, and the resolute and successful efforts of Great Britain to abolish the slave-trade between the coasts of Africa and those pseudo-civilised States which still employ chattel labour, there has rapidly grown up a new commerce in human beings, which is generally known as the coolie traffic. Many people mistakenly suppose that the slave-trade is abolished, and that the new system, instead of being the old one under a new name, is so organized as to enable tropical countries to obtain a perennial supply of labour without injury or injustice to the labourer. In ignorance, it is to be hoped, of the abject condition of the coolies who are taken to Cuba, Spanish philanthropists look to the more extensive prosecution of the coolie trade for the means of providing the Spanish planters with the thews and sinews, without which, according to their mischievous theory, the cultivation of the sugar-cane must be abandoned; and the Republic of Peru, which in emancipating its negroes, nobly declared "that it is due to justice to restore to man his freedom," has established a system of coolie immigration, which, equally with that exisitng between China and Cuba, is disfigured by the worst crimes of the African trade. Nor is this all. In the South Seas grave abuses have characterised the deportation of natives to Queensland; while, at the present moment, kidnappers are notoriously ravaging the beautiful islands of the Pacific in order to stock the cotton

* This paper has been printed in full in "The Colonial Intelligencer" for December, 1871.

plantations of Fiji. If the labourers were voluntary emigrants—if they understood the nature of the contracts to which their marks are affixed; and if, in addition, they were equitably treated during their period of service—it might be possible to regard the system as a transitional one which would ultimately develope into a perfectly free state of society. But it is the duty of those who have studied the question, and who have examined the voluminous evidence which exists, to declare that the coloured labour traffic, whether it flows to Fiji, or Cuba, or Peru, is a new and exaggerated form of the slave-trade, involving the perpetration of every conceivable crime against human nature; and that therefore the time has come when it is imperatively necessary that the civilized governments of the world should endeavour to arrive at a common understanding as to the repressive and other punitive measures which should be enforced against the kidnappers who are guilty of these lawless practices.

In December, 1869, the attention of the Social Science Association was directed to one branch of this subject by Mr. Y. J. Morrow, formerly of Hong Kong, whose charges, lamentable as they are, have never been impeached.* It appears from his statement that between 1849 and 1869 "many more" than 100,000 coolies were exported from China to Peru; that the rates of mortality on the passage, although singularly small in the case of free passenger ships, averaged more than 25 per cent.; and that, in spite of the limitation of the contracts to five years, not a hundred coolies in all had returned to their own country. Mr. Morrow attributes the excessive mortality not to bad victualling or to cruel treatment on the voyage, but to a morbid feeling of depression produced in the mind of the coolie when he realizes the misery of his fate. "Chinese," he says, "are fatalists to a man, and when they give up hope they are utterly careless of life. They despond, cannot be aroused, and waste away. Hence the mortality among the coolies sent to Peru." They have indeed good reason to prefer death to the miserable existence which awaits them in South America. Two or three years ago a number of the Chinese who are employed in agricultural pursuits succeeded in smuggling a memorial into the hands of the American Minister at Lima. This novel document contained piteous details of the ill-treatment which they had experienced, and made a touching appeal to the representative of the great Republic for sympathy and aid. But the misfortunes of these unhappy victims of Peruvian avarice will not bear the slightest comparison with those of their infinitely more wretched countrymen who are employed on the guano islands, where, according to Mr. Consul Elmslie, "from the nature of the labour, they either speedily die, or undergo excessive misery and suffering."

It is impossible to suppose that even the most ignorant of men

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* See *Sessional Proceedings*, 1869-70, p. 57.

would, with their eyes open, emigrate to a country in which such barbarities were perpetrated; least of all, that they would voluntarily place themselves in the power of task-masters who are strangers to the emotion of pity, and who, so long as their guano is shipped or their mines worked, care not what the waste of life may be, or what misery may be inflicted on the unhappy Asiatics. It is equally impossible to believe that any voluntary emigration to Peru could take place if the facts were known to the Chinese before they were enticed into the barracoons. Moreover, there is indubitable evidence to prove that the so-called immigration is kept alive by kidnapping as well as fraud. This is a serious accusation, implicating as it does the authorities of the Portuguese settlement at Macao, but it is fully justified by the disclosures which have been lately made in connection with the coolie ship "Dolores Ugarte."

This vessel, with 656 coolies on board, sailed from Macao in May last. She was about 800 tons burthen, and the crew consisted of forty-five sailors, all told. There were four boats on board, capable of holding eighty men in a smooth sea, but, it is said, "they were not in trim." After sailing, one of the coolies jumped overboard and was with difficulty recaptured, while others also endeavoured to escape. Some were crying, and it appears by no means certain that all of them knew they were to be taken to Peru. A Chinese spy reported to the captain that a mutiny was being organized, and a number of men, marked as dangerous characters, were put in irons. The evidence, however, both as to the alleged mutiny and to the disturbance which subsequently took place, is very confused. What is certain is, that there was disorder of some kind below, and that the hatches were fastened down. Henry Foss, a German sailor, states that "all the officers went forward and emptied the barrels of their revolvers down the forehatch. This was because the coolies were trying to knock through the gratings with planks and stanchions." About an hour and a quarter after the hatches were closed smoke was observed to issue from the brass ventilator. How the fire originated, whether by design or accident, nobody knows. A hose was passed into the hold, but the flames made so much headway that the captain decided to abandon the ship. The boats shoved off, leaving the coolies in the hold to their fate. At this time the whole ship was on fire; and as the hatches were not unfastened, and all the efforts of the poor creatures to liberate themselves were unavailing, it was impossible that they could escape being either burnt to death or drowned. Such was the tragical end of the "Dolores Ugarte," a vessel which had gained an unhappy notoriety in the coolie trade; for it is stated that during a voyage from Macao to Callao, which she undertook a short time before this crowning disaster, eighteen coolies jumped overboard in consequence of ill-treatment; twenty-five died from an insufficient supply of food and water; and forty-three were landed at Honolulu, many of them in the last stages of disease. Upon this part of the subject I need only add, that when the survivors from the burning wreck reached Macao no inquiry

was instituted by the Portuguese authorities, and that the facts would never have been made public, except for an unofficial investigation which took place at Hong Kong, and for the humane spirit of the newspaper press of that settlement.

That inquiry, although it was not conducted by the authorities of Hong Kong (who might have been expected to take the initiative in the matter), was the more valuable because it elicited some startling revelations as to the mode in which the Chinese had been induced to contract for service in Peru. Fifty of the Chinese, who, fortunately for themselves, came on deck, made their escape; and the statements of some of the number were taken down by the reporter of the *China Mail*. (The author here illustrated how ignorant and unsuspecting Chinamen were entrapped into the Peruvian slave-trade.)

These statements, taken separately, or as a whole, afford conclusive proof of the existence of a shameful system of fraud and kidnapping at Macao, and that, too, under the eye, and, it is to be feared, with the connivance of the Portuguese authorities. The victims are drawn to Macao from the country districts, under the pretence that situations will be found for them. Agents are employed who know these people, and who therefore are more easily able to abuse their confidence. What really awaits them is the slave barracoon and the slave ship; and when they discover the network of fraud in which they have been entangled, it is too late for them to retrace their steps—their doom is irrevocably sealed.

I am glad to see that in another case, that of the French coolie ship, the "Nouvelle Penelope," Mr. Smale, the Chief Justice of Hong Kong, decided that Kwok-a-sing, a kidnapped Chinaman who had headed a mutiny in which the captain was killed, was not guilty of murder; but was justified, alike by natural and by written law, in his efforts to recover the freedom of which he and his associates had been unjustly deprived. The same highminded judge signally vindicated the independence of the Bench by refusing to alter his decision, or to permit Kwok-a-sing to be tried on other charges which were sought to be fabricated out of the same transaction; and this, although the Legislative Council and the Attorney-General did their utmost to prolong the man's imprisonment, and to bring him to trial for the alleged offence. If a crime was committed, the kidnappers of the coolies alone were responsible for it; and in so vital a matter as the right of a man to his own personal freedom there cannot be, within British jurisdiction, one law for the European and another for the Asiatic.

I must refer, although with brevity, to the case of Cuba, because it has been repeatedly stated that, whenever emancipation takes place, slave labour is to be supplanted by coolie labour; and, indeed, a company, having a capital of one million of dollars, has been already organized at Havana for the purpose of promoting, on a larger scale than ever, the so-called free immigration of Chinese. I, for one, regard the probable effect of these schemes with the greatest dismay; for the coolie system in Cuba is not only

slavery, but slavery in an aggravated form. Every negro represents a capital of 800 or 1000 dollars, and therefore the master has an interest in extracting from him only that amount of labour which is compatible with his physical powers of endurance; but as the Chinese are bound only for limited periods of service, they are "used up" with a recklessness of cruelty which has excited the indignant reprobation of many of the native Cubans, and of every humane traveller who has visited the island. Thus the restrictions which, in a less cruel state of society, constitute a guarantee against injustice, are, in Cuba, a source of untold misery to the unhappy Asiatics, whose fate is the more hopeless, because, while the enslaved negro excites pity, even philanthropists have been deceived by such misleading phrases as "voluntary emigration," "apprenticeship," and "free contracts."

This brings me to the practical question of the international regulation of the coolie traffic. Sir Alfred Stephen, Chief Justice of New South Wales, in his judgment in the case of the "Daphne" argued that it was impossible to enforce the existing slave-trade Statutes against such irregularities as have grown up in connection with the Polynesian labour traffic; and as his view of the law appears to have been endorsed by still higher authorities, it follows, by a parity of reasoning, that our slave-trade treaties ought to be revised in the direction of greater explicitness and stringency. Lord Kimberley, in a circular addressed to the Governors of the Australian colonies in March last, intimated that he proposed to introduce into Parliament a Bill which would make a British subject guilty of felony if he commits any of the following offences:—

"(1.) Decoys, either by force or fraud, any native on board any vessel, either on the high seas or elsewhere, for the purpose of importing such native into any island or place other than that to which he belongs, or in which he was residing at the time of the commission of such offence;

"(2.) Ships, embarks, receives, detains, or confines for the purpose aforesaid any native of the aforesaid islands on board any vessel, either on the high seas or elsewhere, without the consent of such native, the proof of which consent shall lie on the party accused;

"(3.) Contracts for the shipping, embarking, receiving, or detaining, or confining on board any such vessel, for the purpose aforesaid, any native without his consent, proof of which consent shall lie on the party accused.

"(4.) Fits out, mans, navigates, equips, uses, employs, lets or takes on freight or hire any vessel, or commands or serves, or is on board any such vessel with intent to commit, or that any one on board any such vessel should commit, any of the offences above enumerated.

"(5.) Ships, lades, receives, or puts on board, or contracts for the shipping, lading, receiving, or putting on board of any vessel money, goods, or other articles, with the intent that they should be

employed, or knowing that they will be employed, in the commission of any of the offences above enumerated."

The language of this proposed Act is as comprehensive as it is lucid, and covers the whole ground of the offences against which I have raised an earnest protest. But I am anxious to see the Imperial Government go a step further, by inviting the leading nations of Christendom to give to these proposals the solemn sanction of international law. Every nation has a common interest in ridding the seas of kidnappers and pirates; and England, which has already done so much in this great cause, would be both upholding her best traditions and treading a path worthy of her ancient fame, if she took the lead in rooting out the old enemy in his new guise. Dryden, in his "Indian Emperor," makes Cortes less cruel than Pizarro; and I am aware that in the coolie trade similar distinctions may be drawn. Without, therefore, holding up all coolie traders to indignant reprobation, I contend that their proceedings are tainted with so much of fraud and violence that the international regulation of the traffic ought no longer to be delayed; and that if our Foreign Office led the way, France, Germany, the United States, and possibly other powers, would be willing to enter into a convention, based upon the principles of the Imperial Act whose provisions Lord Kimberley has foreshadowed. Such an appeal to the public law of the civilized world would commend itself to the humane conscience, and to the judicial temper of the nation. There are some, I know, who smile with contempt upon any effort which is made on behalf of the weaker races of mankind; but these have been answered, as they may be answered again, in the words of a living American humourist: —"Poor John Chinaman in his persecution is still able to detect the conscious hate and fear with which inferiority always regards the possibility of even-handed justice, and which is the key-note to the vulgar clamour about servile and degraded races."

REPRESSION OF CRIME SECTION.

Address on Repression of Crime. *By* LORD TEIGNMOUTH.

VERBUM sapienti shall be the motto of my Address. Suggestive remarks on some of the topics about to engage the attention of this Section, may serve to elicit counsel from those best able to impart it.

We have to do with crime. Vice, as the parent of crime, has ever been the subject of penal legislation. Take, as a remarkable example, the vindication of State authority by a single obscure institution. Suffering at first from obloquy and doubt, as to whether its proceedings were constitutional, cautiously concealing the names,

and not till last year venturing a public meeting of its members, the Society for the Suppression of Vice, now entering on its seventieth year, has been enabled by help of Parliament, amending existing, or enacting more stringent Statutes, as for instance Lord Campbell's Act, of legal tribunals sustaining its indictments by convictions, of police co-operation, and the approval of the Bench, the public, and the press, to effect an enormous destruction of noxious prints and publications, the punishment, deservedly severe, of some of the dealers in this nefarious traffic, and the extirpation of establishments, the offspring of an international league for the corruption of our youth. May not our Association derive encouragement from the success, and recommend to much needed support, the proceedings of this humble fellow-worker in the cause of morality?

No vice is more prolific of crime than drunkenness. Some with a view to its partial extinction, by means of the prohibition of the sale of spirituous liquors, would entrust the licensing of public houses to the neighbouring ratepayers, or in other words, urge Parliament, which has for some time advantageously enlarged, as in the case of Poor Law, highway and sanitary districts, the area of local jurisdiction, to restrict it once more, and within narrower than the old parochial limits. The probable result of such retrograde policy would be either the too successful employment of the vast capital invested in the liquor trade, in bribing, and buying up the suffrages of such extemporised legislators or such ever-recurring disturbance of the peace of licensing districts, as to make it doubtful whether such capricious legislation would long be tolerated.

Happily the advocates of extreme and of moderate measures agree as to the necessity of regulating the traffic. The supporters of free trade ignore the exceptional circumstances which endanger the application of their principle to the sale of spirituous liquors, as, if unchecked, it would become the resource of the very outcasts of the community, inducing demoralising and disastrous competition, as has been to a certain extent exemplified at Liverpool, and on a large scale in America. To whom has the licensing been hitherto confided? Nominally, but not in fact, to magistrates acting in Petty Sessions. Till the recent transfer of the control of the beer-shops from the Excise to the magistrates, the latter could scarcely be held responsible. And till the good sense of several counties had rid the Petty of the appellate jurisdiction of Quarter Sessions in the matter, thus anticipating a salutary provision of the Suspensory Act, their authority was degraded, if not paralysed, by being subjected to a practically arbitrary decision, or else to appear in court as real, when they would be regarded in no other light than nominal defendants, for the purpose of surrendering jurisdiction, depending on the knowledge of local circumstances to magistrates comparatively destitute of it, and of being unwilling parties to a one-sided appeal testifying to the predominant influence of the publican. The magistrates are at length brought face to face with the public. Why not allow them a fair trial? Disencumber them of needless responsibility by limiting

the hours of sale, preventing adulteration of liquors and other restrictions, and especially by more effective supervision. And, we may hope—we must not be too sanguine—that good feeling on their part, and a sense of the importance of their task, supported by public opinion, may induce much practical reform.

The consideration of the proposal for transferring the licensing to Boards, composed partly of magistrates, and partly of ratepayers, may be deferred till we have some means of judging of the result of such association, when applied to county management.

The alternative of a single judge holding Licensing Sessions can scarcely be seriously entertained, as he would be ignorant of the local circumstances which should govern his decisions.

A vast amount of crime may be still traced to vagrancy, notwithstanding Poor Law amendment, the operation of Mendicity Societies, the exertions of magistrates, and the newly organized police. Some may dissent from this statement; but let us listen to the evidence, especially that of the inspectors of Irish prisons, who find the tendency of vagrancy to crime direct, especially in the case of juveniles. The efforts of counties to suppress vagrancy, whether isolated or in concert, by means of pass tickets, vigorous enforcement of the law, or otherwise, cannot supersede further legislative and administrative procedure. No less was the inadequacy than the power of voluntaryism evinced by Dr. Chalmers's glorious experiment at Glasgow. The Government must take the matter into its own hands, with a view to affording full scope to local effort. The urgent necessity of action was impressed on Government by a resolution unanimously adopted by the North Riding magistrates, on a motion at Quarter Sessions, proposed by the writer of these pages. A detailed account of the abuses of the system ascertained by previous inquiry, affecting our workhouses, lodging-houses, streets, and highways would surprise and disgust the hearer. Admitting the distinction between vagrants and tramps, the honest traveller and the vagabond, one system might be available for able-bodied males. Solitary occupation of a suitable cell, washing, food and work, under the supervision of the police, and especially of a portion of that force selected and trained for the purpose, would, combined with similar inspection of the lodging-houses, speedily reduce vagrancy; whilst the honest traveller would be freed from the intolerable association with the worst characters to which he is at present exposed. As the workhouses would continue to receive female vagrants—who are but few—children, and the sick of both sexes, the cost of the proposed arrangement would be far less than might be supposed, and would be defrayed by the decrease of other expenditure.

The Government would now derive great assistance from the practical experience of various counties.

The parental obligations by which the State is bound to provide means of reclaiming the prisoners compatibly with the requirements of prison discipline, was very imperfectly recognized till the commencement of the present century. To visit the tortured prisoner

in his pestilential dungeon was deemed by one of our most enlightened statesmen the noblest achievement of self-sacrificing philanthropy. By slow degrees the State, exponent of humanity, has taken the prisoner under its charge whilst undergoing the penalty of the law in the gaol, the convict prison, the reformatory, the certified industrial school, the refuge, or during his supplementary probation on ticket of leave. This duty has been materially simplified by the abolition of transportation and the hulks.

The Act of 1865 embodied the result of much Parliamentary and other inquiry. Have its provisions been enforced, and by what means? The measure was in some respects reactionary as opposed to the too lenient treatment of some of our gaols. To this Act we owe the signal benefit of the State recognition of the cellular system —the solitary confinement of the prisoners in a roomy, well-warmed, well-lighted, and well-ventilated cell, a system which should admit of no modification having regard to gradual mitigation of punishment, or to the secular, industrial, or religious education of the prisoners which would compromise its integrity. But it erred in cruelly stinting the dietary of the first class of prisoners, in not providing for the progressive substitution of profitable for simply penal labour, whilst its excellent educational provision was not sufficiently explicit to ensure compliance. These defects have been rectified in some prisons by the Home Office at the instigation of the visiting justices, and also by the exercise of their discretion.

The objection to prison labour, as interfering with the outer market, urged by proposed representatives of the working man, has been over-ruled at previous meetings of this Association. Surely its advocates would desire to see our prisons empty, and their inmates sharing the free competition of the labour market. Why then debar them as prisoners from the benefit of industrial employment, and the public from that of their earnings? In reference to education, inquiries instituted some time ago by myself and others, corroborative of other valuable testimony, warrant the conclusion that it is much neglected. Whilst the Prison Ministers Act of 1863, which authorised the appointment by Quarter Sessions of ministers in gaols, other than those of the Church of England, has in many cases been adopted, the House of Commons has not sanctioned the Bill, making it compulsory, which passed the Lords in March last.

Meanwhile, the Act of 1865, so far from establishing uniformity, admits of much latitude of procedure as to discipline, employment, education, and even cellular confinement. Notwithstanding the condemnation of the small borough gaols by the Lords' Committee in 1863, some of those costly and objectionable establishments remain in England, and very many in Scotland and in Ireland.

It is admitted that the cellular system cannot be rigorously enforced. It injured in a certain period the bodily or mental health of the prisoner, and therefore admits of modification compatible with the essential requirements of education and industrial employment. Much of the consequent evil may be ascribed to want of proper

supervision. The management of prisons is left chiefly to the visiting justices. The magistrates in Quarter Sessions and Town Councils seldom interfere, and when they do, sometimes ignorantly and solely from motives of economy. The Government inspectors, reduced to two in England, are supposed to enlighten the Home Office on the condition of gaols, and a certain amount of valuable reform is the result. But they depend for their information too much on the very functionaries whose conduct they ought strictly to investigate. Too commonly they report that it is stated that the discipline of the gaols is maintained; and as to education, employ the invariable stereotyped phrase that the chaplain states that no alteration has been made in his duties or those of the schoolmaster since the last inspection. Again, singularly enough, whilst the inspector of the northern district censures some of the English prisons, especially those of Lincolnshire and Westmoreland and many of the Scotch, especially those of Edinburgh and Glasgow, not a single defect is detected in those of the southern districts by their more indulgent supervisor; while, on the contrary, the inspector of the Irish prisons criticises freely the conduct of magistrates, governors, chaplains, and other functionaries under his charge.

For the improvement of the system adopted in our convict prisons, especially the Irish, we are much indebted to Sir Walter Crofton and others. Solitary confinement, as a rule, cannot be safely adopted in those establishments, taking into consideration the previous periods during which it has been undergone. But when we are informed by one of the chaplains that a convict's reformation is obstructed by the jeers of his comrades, we could wish that something more might be done to prevent the evil of promiscuous association.

Most gratifying testimony is borne by prison authorities to the value of refuges and associations for the relief of discharged prisoners. The reformatories and certified industrial schools, offspring of those admirable, but somewhat decried institutions, ragged schools, though as yet experimental, have well stood the test to which they have been subjected, and after having for a time laboured under the disadvantage of inadequate public control, are at length fairly recognised among the most useful of our national establishments. Mr. Sidney Turner complains of the insufficient notice, on the part of the certified industrial schools, of the subsequent career of the children who have left them. The efficacy of these institutions as well as ragged schools could be increased. The subject may safely be left for the present in the hands of Miss Carpenter.

The defects in the supervision of convicts after their discharge, as provided for by the Habitual Criminals Act, have been materially rectified by the Bill for the Prevention of Crime just passed, which reflects credit on Sir Walter Crofton and on the Secretary of State for the Home Department.

To advert for a moment to the vexed question of capital punishment. Whoever feels the vast importance of human life, as respects

both time and eternity, must sympathise with philanthropists who seek some adequate substitute for the extreme penalty of the law. Perpetual imprisonment is the proposed alternative. But can we depend on the so-called perpetuity? Were it possible to ensure it, Sir Walter Crofton by the plan he proposed at Manchester for mitigating the punishment in its advanced stages would perhaps have supplied the required guarantee. But as yet none, and, least of all, the convict, would doubt the possibility of personal, humane, or political considerations, determining the punishment. In the State prison of Massachusetts, during a term of thirty years, 46 per cent. under life sentences have been pardoned, and the average time served was six years and three months. It is to be feared that the comparative value of the current coin, and of a bill which might be dishonoured, or discounted at a fraction of its nominal worth, would measure the generally estimated difference between the punishment of death and that of life imprisonment. The new Bill about to be introduced into Parliament proposes the farther modification, but not the abolition, of the punishment of death.

Time will not admit of the review of the enactments of the late Session, which have tended, directly or indirectly, to the prevention of crime. We may mention the Trades Union Act, 34 & 35 Vict., c. 31; the Railway Regulation Amendment, 34 & 35 Vict., c. 78; the Prevention of Crime Act, 34 & 35 Vict., c. 12, already referred to: the Criminal Law Amendment and other enactments calculated to promote the education of the lower classes. And especially we must hail with satisfaction the operations of the Endowed Schools Act, from which, if wisely conducted, we may anticipate, as the result of utilizing a vast amount of property dedicated by the piety and munificence of past generations to educational purposes, the better qualification of the middle classes for that enlarged share of local and national jurisdiction with which recent legislation has invested them.

In conclusion, I may be permitted to specify some amendments of existing law and practice to which the attention of the Association might be, and I hope will be, directed.

(1.) Uniformity in the management of our prisons.

(2.) More effective inspection, involving the question which will probably be discussed at this Congress, the establishment of a central Board of Control.

(3.) The speedy abolition of the remaining small Borough gaols, as recommended by the Lords' Committee of 1863.

(4.) The reconstruction of gaols at present unsusceptible of adaptation to the cellular system.

(5.) The employment, for various specified purposes, of a detective force, taken from the police, and under the control of the Commission. The experience of the London Mendicity Society, and the Society for the Suppression of Vice has proved the signal advantage of the system.

(6.) The promotion of recommittals by cumulative penalties, regulated in part by the discretion of the magistrates.

(7.) The graduated substitution in our prisons of profitable for simply penal labour.

(8.) The enforcement of education in our prisons, as provided for by the Prison Act of 1865.

(9.) The compulsory clauses of the Prison Ministers Act of 1863, enacted by the Lords during the last Session, should be confirmed by the Commons.

(10.) The increased efficacy of the certified industrial and ragged schools.

(11.) The amendment of our licensing laws.

(12.) A new vagrant law.

And lastly, co-operation with other countries in the promotion of prison reform. Much benefit may be anticipated from the International Congress to be held next year in London.

The proceedings of the National Congress on Penitentiary and Reformatory Discipline, held at Cincinnati last year, are full of interest. Although, in the opinion of enlightened men, the present problem of prison discipline is yet unsolved, we may hope that the counsel of our friends, who will represent the United States and other countries on the occasion to which we refer, may materially help us in effecting somewhat towards its solution.

THE CELLULAR SYSTEM.

How far ought the Cellular System of Imprisonment to be adopted? and how far does it necessarily interfere with Productive Labour? *By* WILLIAM TALLACK (Secretary of the Howard Association, London).

CONSIDERING the long controversy for and against the cellular system of imprisonment, which has continued for more than forty years to excite much interest in the principal civilised nations, and considering also the number of practical experiments and Government commissions which have been instituted for the purpose of determining its merits or demerits, it is remarkable that no general agreement has yet been arrived at in relation to this system, by the chief countries of the world.

Not only has no general agreement resulted, but a very great divergence of conclusions on the subject continues to exist, and that even amongst persons the most conversant with criminal treatment.

In the United States, where the controversy originated to a considerable extent, it is still maintained, with much firmness of opinion, by partisans of opposite views. The supporters of the Philadelphia system, of absolute separation by day and night (as exemplified in the Eastern Penitentiary of that city), continue to urge, both by

statistics and by appeals to facts, its decided superiority over the system adopted in all the other States of the Union—*i.e.*, congregate silent labour by day, with total separation only by night.

In Great Britain (thanks in a great degree to Sir Walter Crofton), the County and Borough gaols have generally adopted a modified cellular system (involving considerable separation by day and total seclusion by night); but the Convict prisons, containing altogether nearly 10,000 inmates, committed for periods of five years and upwards, present the strange spectacle of a most inconsistent mixture of treatment, the convicts being confined in separate cells for the first nine months of their terms, and then for the long remaining periods they are crowded together in corrupting gangs, contaminating one another with blasphemies and obscenities. Hence Great Britain has practically arrived at two contradictory conclusions as to the value of the cellular system.

France has, on the whole, rejected or refused to adopt the system, and prefers the plan of congregate labour; but the French prisons are by no means models for other countries, having many of the worst features of the vile mixed system.

Belgium, on the other hand, which (with Holland) may be considered as now leading the van of all nations in regard to prison discipline, has decidedly committed itself to the cellular system, and is converting all its gaols, as fast as circumstances will permit, into institutions, in which total separation by day and night is a prominent feature.

Holland, after many years of quiet vigilance and study of the systems of other nations, has also pronounced in favour of the cellular system.

Germany, always foremost in intelligent observation, also appears to be taking a decided stand by this plan.

Italy, Spain, Russia, and some other countries, have not yet sufficiently organized their systems on any permanent basis, so as to be quoted on either side of the controversy.

It is most important to observe, that the cellular system, so successfully adopted in Belgium and Holland, is very different from the absolutely solitary mode, which in several American prisons, and notably at Auburn, called forth the trenchant strictures of Charles Dickens. The rigorous solitary system is an inhuman and unchristian one. It tends certainly to cause madness and suicide.

The modified separate plan of modern British and American prisons is infinitely better than that unnatural and cruel one; nevertheless, the modified separate, or daily congregate system, is also shown by its results to be very unsatisfactory; for notwithstanding its expense (about 31*l.* per head per annum in British prisons), the number of recommittals continues to be exceedingly high—39 per cent., and we have abundant testimonies as to its grave defects, from authorities practically competent to pronounce an opinion. For example, at the Lancashire Sessions, in September, 1871 (Earl Derby in the chair), one of the most active and prominent visiting magis-

trates of the county—Mr. Edmund Ashworth—said, that twenty years' experience in that capacity had convinced him that ninety-nine prisoners out of every 100 leave the gaols worse than they enter them.

Another magistrate of much experience—Mr. Angus A. Croll—recently Sheriff of London and Middlesex, writes, in a pamphlet published last year:—"For one prisoner reformed many are corrupted. It is to be feared that, in the great majority of cases, imprisonment gives an impetus to the downward course of the convict." Further, it is found, that in many of the British prisons a number of their inmates are committed not dozens, but scores, and even hundreds, of times in succession.

In Belgium, on the other hand, since the adoption of the new cellular system, the number of recommittals to the principal prison, conducted on that plan, has diminished more than 40 per cent. (the official returns give a still higher number), and I was assured by a prison officer of thirty years' experience in that country, that he knew of no case of a prisoner committed more than six times. And throughout Belgium the number of prisoners has been reduced at least 30 per cent. by the new system.

The great progress of prison discipline in Belgium and Holland has been no hasty work, but the result of long and very carefully tested experience.

Even a century ago, the prisons of these two countries elicited the repeated eulogies of the illustrious Howard, who visited them again and again, taking nine journeys to Holland, and nearly as many to Belgium. In the former country he found the gaols clean and orderly, with their inmates employed at useful labour (chiefly the manufacture of cloth), of the proceeds of which they received a share to aid them on their discharge. The Dutch motto, which became a favourite one with Howard, was "Make men diligent, and you will make them honest." This object was accomplished by the enforcement and encouragement of useful occupation regulated by piece-work.

At the same period, Belgium had established, in the great prisons of Ghent and Vilvorde, the system of entire separation by night, with congregate labour by day, which was a vast improvement upon the horrible and almost unrestrained contamination which then, and for a long time afterwards, formed a disgraceful feature in the gaols of Great Britain and of most other nations. Many years after this system had been adopted in Belgium, it was imitated in the United States, and, by a strange ignorance of its origin, it has subsequently generally gone by the name of the American System, just as the name of the real discoverer of that continent, Columbus, has been ignored in its universal appellation—America.

It was in 1775 that Howard paid his first visit to Ghent prison, then newly erected, and its features of useful task-work, with a share in the earnings, by the prisoners, and their complete separation at night, drew from him the exclamation that it was a "noble institu-

tion." His second visit there, in the following year, elicited the remark that he seldom envied foreign countries their situation, religion, manners, or government, but that their prisons caused him to blush for England. On his sixth visit to the Low Countries in 1783, he found the prisoners at Ghent in a miserable condition of demoralization and ill health. For the Emperor Joseph, at the solicitation of a few private manufacturers, had ordered the useful productive labour of the establishment to be almost discontinued. The results were such as might have been expected. The Governor spoke of them as "unhappy changes," and Howard, with his usual plainness of speech, termed the alteration a "vile policy." Two years afterwards, he had an interview with the Emperor at Vienna, and, without any ceremony, complained sharply of the lack of wisdom in many departments of the prisons and other institutions in Austria. The Emperor asked "Where have you seen any better institutions of the kind?" "There *was* one better," said Howard, "at Ghent, but (he added), not so now!" The Emperor started and appeared displeased, but eventually parted from his honest-spoken visitor with cordiality and respect, and promised to carry out some, at least, of his recommendations.

The comparatively successful administration of the Belgian and Dutch prisons has continued throughout the present century. But during the last thirty years the governments of both countries have gradually, but decidedly, adopted their present form of the cellular system.

The two principal agents in introducing this plan were the late M. Edward Ducpetiaux, of Brussels, and M. W. H. Suringar, of Amsterdam.

M. Ducpetiaux's attention was awakened to the necessity of further prison reform by his own experiences, like Howard. In 1828 he underwent a year's confinement for his writings in favour of Belgian independence. Two years afterwards, on the achievement of that independence, the newly enthroned King Leopold I. (of illustrious memory) appointed M. Ducpetiaux to be Inspector-General of Prisons, an office which he held till his decease in 1867. During his long tenure of office he devoted himself to the reform of the defects of which he had felt and seen the evil tendency during his own incarceration.

In particular he had observed that any amount of association with other prisoners not only fostered evil communications, but, which was often more mischievous, ruined for life many of the inmates who had originally been committed for slight offences, by causing them to be permanently recognizable after their discharge by inveterate and evilly disposed criminals. For example, Francis (to take any name), an apprentice, imprisoned at first for some theft amounting to half-a-crown in value, might be, on his discharge, recognized by Alphonse, an old offender, who would thus have it in his power to brand the said Francis as a "prison bird," and blast for life his character and chances of getting an honest livelihood.

M. Ducpetiaux also ascertained that in the boxes placed in Belgian prisons to receive complaints from the prisoners, the majority of these complaints consisted of requests to be separated from the horrible companionship of hateful and depraved associates.

His mind was further impressed with the amount of punishment needlessly inflicted on innocent wives and children by very long sentences of imprisonment passed upon their husbands and fathers—sentences which involved also unduly lengthened pecuniary burdens upon the honest taxpayer, whilst, in many cases, also greatly injuring the criminal by an unnatural and cruel separation from the ties of kindred and the softening influences of parental and conjugal relationships.

He reflected that if it should be found that the entire separation of prisoners from communication with others was a punishment to the worse class of offenders, and a safeguard to the better ones, the advantage would be double. The separation would be more punitory and more deterrent to the wilful, whilst more merciful and more curative to the really penitent. Thus shorter terms, with cellular discipline, might safely and with many advantages, moral and economical, be substituted for longer and less effectual periods of partially associated imprisonment.

It was also obvious that contagious and epidemic diseases would be greatly checked by cellular separation, whilst prison riots and rebellions would be rendered almost impossible. Nor would the sneers and laughter of reprobate companions any longer be able to efface from the hearts of the less hardened, the impressions made by religious instructors or wise advisers. Thus would there be a special inducement and prospect of success for frequent visitation by such persons, whether officially connected with the prison, or otherwise, as duty or desire might prompt to offer their aid to the prisoners. And, finally, the inmates, anxious for occupation and variety, would become more diligent in their resort to useful handicraft labour (especially with the additional spur of a share in the profits) and more attentive to the instructive solace of well-selected books.

All these advantages, without any proportionate disadvantages, have been found to result from the practical adoption of the cellular system in Belgium, where it has been accompanied by those wise and merciful precautions which were neglected in the very diverse system, bearing the same name, once adopted in America and elsewhere.

And it may be mentioned here, by the way, that in proportion as the cellular system (apart from mere idle solitude and united with useful industry and instruction) has been tried in this country, it has been eminently successful. Mr. Oakley, the experienced governor of Taunton gaol, informs me that when he came to that prison twenty years ago it was chiefly conducted on the congregate system, and there were 200 county prisoners in it. Now it is cellular throughout, and the number of country prisoners is reduced to seventy, although the district population has increased, most of the cells being

let to other counties. The same gentleman also testifies to the serious mischief which is often wrought merely by the contact of prisoners, for one hour or less, when brought together into court for arraignment before trial, to plead guilty or not guilty. For example, an habitual criminal sees near him amongst the prisoners a young woman, committed perhaps for a first and petty offence, and possibly not even guilty of that. After their discharge, he may, in walking the streets, recognize the girl at the door or down the area of some house where she has obtained a situation. The villain at once sees a prospect of taking advantage of his brief recognition in court, and at once accosts the girl, reminding her of their having both been in prison at such a time. "For goodness' sake," she exclaims, in fright, "don't come here. It would never do for my mistress or the other servants to know that I had been in gaol. It might be my ruin." Of course the man cares nothing for this, and the poor girl is obliged to purchase his silence either by direct bribes or by becoming his tool for purposes of robbery. In this way a brief prison recognition often leads to the future ruin of the comparatively innocent and uncontaminated. The system of congregate arraignment in English courts ought to be abolished as soon as possible.

The Belgian prison which affords the best means of studying the results of the cellular system is that of Louvain, which was opened in 1860, and has, from its foundation, been conducted on principles of the most absolute separation of prisoners from each other, ameliorated by the abundant visitation of caretakers and instructors, by cheerful industry and recreative exercise in separate garden yards.

I visited this prison a few months ago, in company with M. Ducpetiaux's able and worthy successor, as chief inspector of Belgian prisons, M. J. Stevens, who was for seven years the governor of the establishment. At the time of my visit, there were 600 prisoners, all as ignorant of each other's faces and careers as if they had been confined in as many separate houses. They were chiefly occupied as tailors, weavers, shoemakers, bookbinders, and carpenters, the latter and the smiths having cells of double size to accommodate a bench or forge. There is a trades' instructor for each branch of industry, as most of the inmates are found to be ignorant of any trade on entry. The warders are mostly conversant with some trade, and are selected not (as is too frequently the case in England) from the ranks of old soldiers, but on account of their experience and practical qualification for their special occupation.

Many prisoners have, with perfect health of mind and body, spent eight or nine years in Louvain prison. I saw and conversed with some of these. The one who had been longest in the establishment was a young man, aged twenty-seven, who had been in continuous separation in his cell for nine years. His crime was incendiarism, and he had been originally sentenced to death, which penalty was commuted to one of twenty years' imprisonment. But inasmuch as the Belgian Legislature has, since the introduction of the cellular system, reduced the scale of all sentences, his term will be rather

less than ten years altogether. He had three months more to serve when I saw him. Whilst in prison he has learnt shoemaking, writing, reading, and the French language (having probably only known Flemish before). He has earned nearly 16*l.* for his use on discharge, in addition to as much more with which he has purchased food of a better class than the repulsive and scanty fare supplied gratis. In addition to this, he has earned 40*l.* or 50*l.*, or more, for the State, towards the expenses of his maintenance during his term. The deputy-governor remarked of him, "He is now a very good fellow!"

I saw another prisoner there who had earned for himself as much discharge money (16*l.*) in the shorter period of five and a half years. His term expires in six months. The officer remarked, "He is a very good man; he will not come again!"

And certain it is that the comparatively large sums of money which the Belgian prisoners can earn (although the valuation of their labour is, as a punishment, much lower than its real worth), cause many of them to start well and easily in permanently honest careers, and in a much more effective manner than the eleemosynary and smaller help of discharged prisoners' aid societies.

So far as I have been able to gather it from a number of somewhat varying statistics, the average net cost of each prisoner at Louvain, after deducting the Government share of his labour, is about ten guineas per annum. The cost at Ghent prison is within a few shillings of the same. Hence the direct pecuniary results of the cellular system are not nearly so considerable as those of American self-supporting prisons, and hardly equal to those of a few of the better class of English prisons. But the indirect gain is much greater by reason of the moral and preventive results, and the shortened terms of imprisonment which the system safely and effectually permits.

The money earned by Belgian prisoners, and retained till their discharge, is never forfeited, even for misconduct. Once earned it is quite secure. I was told that they very often send a portion of their money to their relatives; thus a parent in prison helps a child outside, or a child contributes to a parent's wants.

The articles which may be purchased with the immediately disposable portion of the prison earnings are white bread, cheese, bacon, milk, paper, pens, tobacco, &c. Smoking is only permitted as a privilege to the better behaved, during their hours of exercise in their separate yards, where they are obliged to keep in motion, either by brisk walking, by gardening, or by paving with heavy pounders. Such exercise as treadwheel work or shot-drill is never used in Belgium or Holland, and is spoken of with contempt.

I was anxious to ascertain the effect of the Louvain system upon the health of the inmates, and made careful inquiries on the point. The official statistics show an average mortality of about 1½ per cent. per annum, which is a considerably lower rate than that of the partially congregate prison at Ghent, where it is nearly 3 per cent.

In ten years of Louvain experience (with upwards of 500 inmates, on the average), there have only been fourteen suicides and fourteen cases of insanity, that is to say, less than two per annum of each in this large prison. This state of things compares not unfavourably with English convict prisons. For example, at Portland prison there were, last year, with 1500 prisoners, sixteen deaths, four attempted suicides, six cases of insanity induced, and 401 men placed under the surgeon's care for accidents. At Chatham last year (1869-70) the surgeon reported eighteen deaths, out of 1400 men, 970 admissions to the infirmary, 31,849 "casualties," and 282 accidents, "a large proportion of which" are reported as "of a serious nature."

The crushing slavery, debasement and contamination of some of the English convict prisons, especially Chatham and Portland, are a national disgrace. One of the first remarks made to me by the deputy governor of Ghent Prison, was "The English convict system is worth nothing—worth nothing." Again, at Amsterdam, the venerable M. Suringar, who for forty-seven years has been connected with prison management, spoke with grief and contempt of the British system.

In the Belgian and Dutch prisons, the inmates are treated with much more respect and Christian consideration than in our English convict prisons. The very important element of religious instruction also appears to be resorted to on a more extended and more kindly scale. In visiting the female prisons at Brussels and Antwerp, I found the women wholly under the care of religious sisters, in the proportion of about ten sisters per 100 women. In our own country also the experience of Elizabeth Fry, at Newgate, of Sarah Martin, at Yarmouth, and of the Catholic Sisters at Dublin and elsewhere, has proved that even for the most unmanageable of all criminals, depraved females, the best and only source of hope consists in their oversight by sympathizing religious women. And, in short, in all cases, it continues to be verified by results, despite all the sneers of cynics or sceptics, that "the Gospel is the power of God unto salvation" even to the most hopeless and degraded.

A principal defect of the Belgian prisons is the absence of provision for the voluntary visits of religious or philanthropic persons, other than the appointed and regular prison ministers. In some of the Dutch prisons arrangements for such systematic visitation, by judicious persons, are a praiseworthy feature. This voluntary visitation by Christian individuals or societies has been perseveringly advocated and promoted by M. Suringar and other Dutch philanthropists. This feature constitutes the most noticeable difference between Dutch and Belgian prisons, and might with great advantage be extensively adopted in Great Britain.

The benefits of such visitation have also been found to be very great in some of the American and Italian prisons. Mr. Jonas, the governor of Newgate Gaol, who remembers the systematic visitation of Mrs. Fry and her staff of companions, declares that those

visits did not interfere with the discipline, whilst they were very useful to the prisoners. Any cause of complaint on the part either of the prison officials or of the visitors, may be with advantage referred to the common medium of a magistrates' committee for decision or attention.

Sir Walter Crofton informs me that the London Temperance League have recently solicited his aid in procuring admission into some prisons for their lecturers, to address the inmates on the evils of drunkenness. Such lectures could hardly fail to be of great service, and it is satisfactory to hear that at least one body of magistrates, at Wisbeach, have opened their gaol to these useful emissaries.

A few words may be added relative to the Ghent prison. That establishment of 1265 inmates is chiefly conducted on the English plan of silent congregate labour by day, and entire separation by night. But it has this advantage. One wing of 158 cells is managed on the cellular system of total separation from the other prisoners, but with abundant visitation by officers and instructors; hence Ghent unites the cellular and congregate systems. Those prisoners who abuse the latter, or are detected in communication with others, are transferred to the cellular department for a time, or permanently if necessary.

Ghent prison is, perhaps, better adapted for life-sentences than Louvain. I conversed with one prisoner who has been confined there for nearly thirty-two years, for murder. He appeared to enjoy good health, both of body and mind. He is now fifty-eight years of age. Another prisoner whom I saw had been there twenty-seven years; and a third (aged fifty-five), twenty-four years. He told me his health was good in general, and he greatly enjoys reading. Surely the system which can maintain criminals thus, for life, in health of body and mind, whilst treating them humanely, making them contribute largely by labour to their support, and giving them opportunity for reformation and repentance, affords at the same time the spectacle of an abidingly deterrent punishment for murder, and a more Christian and Christ-like method, than cutting them off in their sins by the gallows or the guillotine! But for such life-time prisoners, it is doubtful whether the full cellular system would be humane or successful.

Nor is it applicable, unless with very special vigilance, to the very young, the aged, or the weak-minded.

Yet for the general class of prisoners, its effects are at once so reformatory and so deterrent, that the sentences to imprisonment under this system may safely and justly be rendered from 50 to 75 per cent. shorter than those for congregate confinement. Hence another of its great and economical advantages. The Belgian Legislature has enacted laws, declaring a general reduction of sentences passed during the continuance of the congregate system. For example, sentences of twenty years under the former system are now reduced to less than ten years, those of ten years to six years, and those of five to three and a half,

Finally, the cellular system, as distinguished from the rigours of the former American solitary system, and as characterised by the substitution of good communication for evil, and by a much greater intercourse with officers, instructors, and visitors, than has hitherto been a feature of English prisons, presents the following advantages: —

1. More deterrence than the congregate or semi-congregate system.
2. Infinitely more of reformatory effect and of freedom from corrupting influences.
3. More economy to the State, or the ratepayers, by reason of the much shorter terms of confinement necessary.
4. Less breaking up or ruin of the prisoner's family, by reason of shorter separation from them.
5. A better reception of religious and secular instruction in prison.
6. A greater impetus to activity in useful and remunerated labour.
7. General exemption from contagious and epidemic diseases.
8. Greater security from escapes.
9. Far fewer causes for prison punishment, with entire independence of treadwheels and cranks.
10. Greater facilities for the observation and prompt detection of disease or insanity.
11. Protection to the prisoner, on his discharge, from future recognition by other prisoners; and
12. A greater eligibility for employment and a far more effectual qualification for a career of honest usefulness.

But, inasmuch as the best of systems may be liable to the worst abuse if not rightly administered, so the cellular system, to be accompanied by success, as in Belgium and Holland, must be as vigilantly and unceasingly guarded as it is in those countries, against the neglect or mistakes which would convert it into the rigid solitary system —a system as evil as the other is good.

On the Same. By Rev. JOHN FIELD, Chairman of Visiting Justices of the North Riding Prisons.

IF the legitimate object of punishment be the prevention of crime, it must be evident from published criminal statistics that the penalties now inflicted grievously fail—that their lawful purpose is either prevented or counteracted. The former occurs when sentences are passed upon offenders which under any prison treatment—and especially when labour, whether productive or other is enforced—are too short to deter from crime or to correct the criminal; the latter because the nature of the punishment is itself faulty. Long observation has confirmed my opinion that imprisonments of less than three months

are a most fruitful source of crime. It is not difficult to account for this. No expectation of reforming the prisoner is entertained, but little is attempted, the means needful being withheld. When liberated, he returns as a degraded convict to scenes of vice, and is soon seduced by various temptations which he has neither the power nor the inclination to withstand. I do not plead that a sentence of more than three months' imprisonment be inflicted for every first offence. Rather let a warning without punishment follow many such; and I would implore brother magistrates to act more frequently in accordance with that clause in the first section of the Criminal Justice Act—the insertion of which I thankfully obtained while the Bill was in committee—which empowers justices, if they think proper, to dismiss the offender without inflicting a penalty. Of course, then, an increased or cumulative punishment can be awarded in case of any future offence.

I hope I shall not be misjudged a stern advocate for severity, or as a presumptuous censor of my superiors, if I express an opinion, founded upon careful observation, that, in many cases, the sentences now passed by judges of Assize and by other magistrates in Sessions are much too lenient. I have here a list taken from the sessional calendars of a county of all the recommitted prisoners tried at Quarter Sessions during the last four years.

From this list I strike out those who had been only once before convicted, because strong temptation, or some accidental circumstances, may have caused a single relapse into crime. Then let me beg attention to the first hundred here described. These, in the aggregate, had been in gaol 898 times—an average, within the smallest fraction, of four times each. Now, of these, only 26 when last convicted were sentenced to penal servitude, although not less than 56 had been twice or more times previously convicted of felony. It is also remarkable that in the case of 29, the subsequent punishment for felony, instead of being augmented, was for a shorter term than had been awarded on their previous conviction. Now judges and magistrates are—and I think wisely—entrusted with considerable discretionary power, but I do hope that, at no distant day, such discretion will be so regulated that a sentence to penal servitude for seven years shall in every case be passed when a prisoner is a third time convicted of felony. If there be circumstances which would justify a mitigation of such penalty, let there be a recommendation to such effect to the Home Secretary, or better if some were associated with him for such purposes. In these rare instances, the procedure would be similar to that we commonly pursue on convictions under the Excise Act.

Surely towards these hardened offenders mistaken clemency is real cruelty. It may be that they have been made incorrigible through ill-judged treatment when they might have been reclaimed, and so we may ourselves be responsible for much of their guilt; still their early liberation must be forbidden, because alike injurious to themselves and to the community. If a patient afflicted with some

infectious disease should be dismissed from hospital before time had been allowed for his cure, we should expect his own relapse, and that many would be infected by intercourse with him, especially should he go among those predisposed to such infection; so the untimely liberation of these moral lepers, their return to old haunts, to vicious associates, and to others innocent, yet inclined to evil, must almost surely, and at once, be followed by their relapse into crime, the contamination of many, and the consequent multiplication of offenders.

In a paper which I read at a former Congress, I deprecated the passing of Lord Carnarvon's Bill, which has now become the law for the regulation of our prisons. The Act was founded upon the fallacy that crime would be prevented by increased punishment, though means of reformation should be diminished. Compulsory penal labour was the proposed deterrent from crime. The Act provides that the treadwheel or the crank, instruments which wisdom and humanity had cast aside, should be re-constructed, and that toil, though unproductive, should be enforced during the first three months of imprisonment; and thus the efforts of chaplains and instructors are counteracted and rendered abortive at the very time when especially repentance and amendment of life might be promoted. But such injudicious treatment, whilst preventing reformation, is a far less punishment than would be the corrective seclusion in the cell with suitable employment. I may remind our noble Chairman of our visits to our prison, when numberless wretched convicts, who had passed through that first stage of punishment, and were more closely confined to the cell, begged that they might return to treadwheel labour rather than endure this more severe and more salutary discipline. Such appeals strengthened my conviction, which long observation had produced, that such solitude is far more dreadful to criminals than any toilsome labour, and therefore more likely to deter from crime. But under the present system, all prisoners sentenced to hard labour for three months or less are doomed to the depraving influence of the treadwheel and deprived of any subsequent correctional discipline. Hence very few are reclaimed, and numbers from time to time return to prison.

I do not hesitate to affirm that the recent Gaol Act is a failure, and I refer to the returns of nearly every important gaol in the country in confirmation of this statement. The number of commitments and recommitments has increased in a ratio far exceeding any increase in population. Thus in 1865—the year preceding the operation of this Act—the number committed did not exceed 139,286; since that year the increase has been progressive, until the last published judicial statistics show it to be not less than 168,134. The gradual and great increase of those recommitted is yet more remarkable; for whereas in the former year they were but 43,964, they have risen to 59,698 in the last. Looking to particular prisons we learn the same results. Let me read a few lines of a report from the large gaol at Liverpool:—"The treadmill has now been sufficiently long in use, both for its effects to be felt by a large proportion of our pri-

soners, and for its influence and consequences to present themselves. The recommitments of those who have experienced its severity have been progressive. They have accumulated in the last quarter of the official year threefold. Of the recommitments in the September quarter, of prisoners who had been in custody from upwards of ten to upwards of fifty times, 43 per cent. had previously undergone the punishment of the wheel in this gaol. . . . Since the passing of the Gaol Act in 1865, the proportion of recommitments has yearly increased. They have advanced from 50 per cent. to 65 per cent. in 1870. The recommitments of males who had previously undergone the discipline of labour of the most penal kind are 1256; in 1865 they numbered only 613."

I have obtained a return from the gaol of the North Riding of all prisoners committed, and of those recommitted, during the five years preceding, and the five subsequent to, the introduction of the present system. This return shows that the increase of both during the latter quinquennial period has been enormous. Thus the number committed in the five years previous to 1866, was only 4060, whereas, in the following years, we have an annual and progressive increase of more than 20 per cent., and the number is 5419. The recommitments are still more remarkable—they have increased during the last five years, 50 per cent.; the numbers being 743 before 1866, and 1135 at the end of 1870. But there is a still further striking and instructive fact connected with these statistics. In 1863 a portion of the prisoners were subjected to more strict seclusion in their cells, and the work given was done in solitude. The advantages of this plan were evident, and during the two following years all our prisoners were thus treated. Mark the results. The recommittals were at once reduced more than 33 per cent., and a gradually decreasing ratio was continuous until 1866, when, on the reintroduction of penal labour for several hours in the day, performed out of the cell, the recommittals again rose progressively to their former proportion, and have since that time exceeded it. During the years 1864, 1865, whilst punished by close cellular confinement, the number committed was only 1667, whereas during the last two years of treadwheel labour the number was 2415. The recommittals present a contrast which I think should claim yet more attention. Those during the former period were but 254, whereas in the latter they were not less than 680; as at Liverpool, nearly threefold more. The result similar, though in one case a town, in the other a rural district. I do not forget that increase of population may account for some of these committals, and that photography has been a means of detecting some old offenders, but the number thus accounted for is very small.

The causes of such adverse results are apparent; the recent Gaol Act, whilst containing some judicious provisions, yet fails to provide equitable or adequate punishment, and the punishment which it enacts prevents improvement of character. Instruments of toil are often instruments of torture. There is no adaptation of the punishment to the character or crime of the convict, but its extent is

simply dependent on his condition of body. Hence upon the weak and feeble either more than an equitable measure is inflicted, or, however heinous their crimes, the watchful surgeon of the prison will exempt them from such punishment. But for the able-bodied and healthful, exertion for eight or nine hours in the day, with intervals of rest, is an insufficient punishment. We call it hard labour, but we do not, and cannot, whilst preserving the health of the prisoner and observing necessary gaol arrangements, inflict upon him such labour and for so long as shall make his day's work equal to that of the every-day labour of the honest, hardworking miner, the ploughman or many an artizan. There is nothing deterrent, therefore, in the mere labour. "If I live honestly I must work as hard, aye, and upon coarser fare and worse shelter, than if I steal, and am unlucky enough to be found out and sent to gaol." Such, as respects the labour *per se*, may be the soliloquy, or the corrupting converse, of men evil disposed or tempted to offend. But we are reminded that this labour is forced and unproductive, and that in this consists the sting of the penalty. If not hard it is irritating. Unquestionably it is so; and just in proportion to the irritation thus produced is the improbability of any reformation of the criminal. The efforts of the chaplain and instructor are frustrated and futile. The prisoner is treated as a brute, and whilst his manhood is debased, the malignity of a fiend is fostered.

As one of the earliest and most earnest advocates of the separate confinement of prisoners I deeply lament that recent legislation has subverted much of the good which such imprisonment was calculated to effect. I officiated for many years in the first county gaol constructed for carring out that plan. The system therein pursued was seclusion as a punishment, labour as a relaxation of such punishment, and moral, religious, and mental instruction as the means of correction. This system was really preventive of crime. In contrast with the plan now in operation, the number committed and of those recommitted constantly decreased through a series of years, and I may confidently point to its result as far more successful than those of any other system that has been pursued. God grant that wiser legislation may restore the like!

DISCUSSION.

The Rev. W. C. Osborne (Bath) thought our continental neighbours had but little to teach us on the subject of prison discipline, beyond what we had already learned from the principles propounded by Mr. Crawford and Mr. Russell, in 1835 and subsequent years. The separate system worked well in most of our gaols, and he believed its operation helped to diminish the number of recommittals. There was, however, a tendency to carry a good system too far. Lord Palmerston held that no convict ought to be kept in separate confinement for a longer period than nine months, though the term of his sentence might be no less than seven or even fourteen years. His own experience as a prison chaplain confirmed the wisdom of that principle; he believed the good effects of the system would be lost if the separation lasted beyond nine months; indeed, to ensure those good effects,

it might be deemed advisable, in some cases, not to exceed six months' total isolation. He condemned the silent congregate system, because it placed convicts in an unnatural condition, presenting temptations which but few of them could resist, as shown by the number of prisoners punished in gaols conducted on that system. With regard to the treadwheel, wherever it was introduced, the services of the chaplain were next to useless; for, notwithstanding the numerous precautions suggested by the skill and experience of surgeons and governors, exercise at the wheel soured the mind of the convict to such a degree that he was rendered incapable of receiving religious instruction. In some cases—one or two within his own experience—the wheel inflicted serious bodily injury, which ought never to be the result of prison discipline. The machine itself was entirely unproductive as a means of labour, and he held, as a fatal objection to its use, that it failed as a reforming agent.

Mr. G. Hurst (Bedford) also condemned the wheel as unproductive, expensive, and altogether useless in the reformation of criminals. The governor of one prison he visited took occasion to boast of the great saving this machine effected, but on inquiry it was found that although the treadwheel there did a deal of work, its operations simply consisted in throwing down water and bringing it up again. That was called great economy. In the consideration of questions of prison discipline the aim should be not so much to punish as to reform the criminal. None were so utterly bad as to resist any instructions or improvement whatever. The limit of three months as the smallest punishment for any offence would not answer, as a rule. There were many offences, for which a few days' imprisonment would be ample punishment. But with regard to any degree of punishment a great mistake was now made in not requiring the criminal to do some kind of productive labour, however brief his incarceration. He maintained that every offender should be so employed. When the treadwheel was described as a deterrent, being an object of repulsion and dislike to the criminal, and put before him on that account, the offender was supposed to be more sensitive than the majority of men are; for knowledge of the criminal class showed that it was a source of gratification when they saw that those who punished them were put to great expense, without obtaining any return from the labour of the offenders themselves. It was generally held that the degree of punishment ought to increase with the frequency of committals. While admitting much might be said on that point, he attached greater importance to the effect of the first punishment, which was generally for "a crime of choice," as it rarely happened that a man was necessarily driven to the commission of his first offence. In order that he might be fitted for employment the moment he quitted gaol he should be taught to work at some trade before the expiration of his imprisonment. Failing to find honest employment at home, he might be assisted in finding it in the colonies. Whatever might be argued in favour of the silent system, the criminal would certainly go back to his old haunts and habits, unless he were first instructed in some honest and remunerative labour for his own maintenance after taking his leave of prison life.

Mr. Barwick Baker (Gloucester), as a visiting magistrate, who had witnessed the working of a system based, more or less, on the principles advanced by Mr. Tallack, in his paper, desiderated for towns the adoption of regulations, which had the effect of preventing the recognition of one convicted criminal by another on their leaving gaol. In Bristol, where thieves were accustomed to meet together frequently, such regulations were necessary; indeed, they were enforced so well that the mutual recognition of released prisoners from the same gaol, within a year of their discharge, was rendered scarcely possible. In counties, however, where the population was scattered over a wide area, he did not think preventive measures of that nature were required, as the probability was very slight that any two fellow-prisoners would meet each other in the whole course of their lives. With regard to short terms of imprisonment, he had himself advocated opinions which differed from those stated by Mr. Field and Mr. Tallack in their respective papers; and he was happy to be in a position to inform the Section that the regulation he proposed on the subject had met with the approval of the county Bench, on which he sat, and had been first adopted in Gloucestershire as a general rule. His proposition was that for the first offence, whether for stealing five shillings or five pounds, the punishment should be ten days' imprisonment, care being taken to

inform the prisoner that if he offended again he would have to suffer a severe punishment, say six months' imprisonment, with seven years' police supervision; and in the event of a third offence, seven years' penal servitude, as suggested by Mr. Field. When he said this rule was generally adopted in Gloucestershire, he did not wish the Section to understand that it was universally adopted, for there were a few magistrates who acted on the old system, or rather want of system. Mr. Hurst said that the treadwheel was a very bad thing, because it did not teach a prisoner to work at some trade. In cases of short terms of imprisonment, very little good would be done by any attempt to teach a trade or to form habits worth anything; and although he had seen many prisoners instructed in trades while undergoing their sentence, he very rarely heard of any using the knowledge they so obtained, when they went into the world again. In counties it generally happened that men accustomed to agricultural labour resumed their old occupation, though they had learnt some other in the prison. Mr. Hurst intimated that a second offence was less a sign of wickedness than of necessity, because nobody would give a man employment if he had been in gaol. His own experience was altogether different; for the many hundreds he had watched got employment after their discharge, with comparative ease, excepting only some very rare occasions of difficulty. But what occurred in London some eight or ten years ago was of much more value than his experience in Gloucestershire. At that time complaints were made of the hardships some discharged prisoners had to undergo, in consequence of their being unable to obtain a livelihood; nobody in London would employ them because they had been in prison, and it was said that these unfortunate men were necessarily driven back to crime. About seven years ago, however, a young barrister was bold enough to say that he would be able to find places for all those men who required employment. About 15,000 prisoners were discharged altogether, and although it seemed hardly possible for the bulk of that number to return to crime, it was absurd for one man to undertake to find honest work for them. But there was this proviso attached to the undertaking, namely, that he would find places for those men who required them in London, and who said they could not get work elsewhere. After that challenge had been thrown out every prisoner in Coldbath Fields, Holloway, and Newgate, as well as those in Maidstone Gaol, was asked by the chaplain or some other officer, what he would be able to do when he left the prison, and the answer was almost invariably to the effect, "Oh, my old father," or "old master," or "Uncle will find me work to do." The officer making the inquiry made a note of those prisoners who could not give such an answer, and the result was that of the large number of men who left prison in the course of the year, only about 700 asked that work might be provided for them, all the rest being in a position to obtain it for themselves, or through their friends.

Colonel RATCLIFF (Birmingham), having visited the gaols instanced by Mr. Tallack in his paper, was glad of the opportunity of testifying to the admirable manner in which the convict system was conducted in France, Belgium, and Holland. Mention might also have been made of the prison at Cologne, where the convict system was admirably conducted in association, which enabled the prisoners to learn trades before they entered the world again. With regard, however, to allowing association in our borough and county gaols, that was done under a former system, the revival of which would only result in utter failure. His experience of the almost hopeless character of re-committed prisoners suggested the desirableness of teaching them some trade or other, which they might honestly follow after their discharge. No doubt many prisoners went back to their old habits, because of their having to leave gaol dressed in the same wretched clothes they wore when they entered it. At the prison with which he was himself connected, there was a striking example of this tendency—after serving some three or four months, the man showed every disposition that could be desired to abandon his former evil habits and to lead an honest life, but no sooner were the walls of the prison behind him than the old associations, so vividly suggested by his dirty rags, took powerful hold of him, drew him to his accustomed haunts, and roused in him the spirit of defiance to the law. It was also well known that when a man had once been in prison, he could scarcely ever reinstate himself in the social position he occupied before he was proved guilty of dishonesty. Here and

there a few instances occurred of discharged prisoners being taken into honest service, through the exercise of much influence by those persons who interested themselves in behalf of promising subjects; but to say that a man going from prison to the labour market could command employment as an honest man would command it, was an assertion entirely unsupported by daily experience.

Sir J. PAKINGTON, Bart., M.P., desired to say a few words to the Section on this important, interesting, and yet difficult question, which of late he had not considered so closely as he was wont to do when he was himself frequently engaged in the administration of the criminal law. There were two points of the discussion to which he would refer. It was argued by one of the speakers that, in order to attain the ends they desired, no imprisonment should exceed the term of three months. That was a principle of which he could not approve, and it was one which he did not think could ever be adopted in its full extent by the Legislature. Were any Secretary of State to ask Parliament to express an opinion that the administration of the criminal law would be improved by enacting that no man, however slight his offence, must be imprisoned for a less period than three months, no doubt Parliament would at once refuse to adopt a law so severe as could only end in the escape from any punishment whatever of a large proportion of offenders. Another point to which he desired to advert had reference to one of the greatest practical difficulties connected with the question—a difficulty which neither of the papers appeared to solve. Assuming that everybody concurred in the advantages of the separate system, how was the punishment of the criminal to be carried on after the expiration of the nine months, or whatever period might be deemed safe for separate confinement? Happily, the administration of our law had become milder for years past, both in regard to the nature of the punishment and to the frequency of its infliction, and it was evident that the milder the administration became, the more necessary would be a system of secondary punishment. He did not apprehend much difficulty in dealing with the comparatively light offences which a vast numerical majority of criminals committed, but when we came to consider the necessity of inflicting long periods of punishment for graver crimes, we had yet to determine how a well regulated system of punishment could be satisfactorily sustained, consistent with the principle of entire separation. [Mr. TALLACK: It is done in Belgium.] Then Mr. Tallack's proposal would appear to be that, whatever the period of imprisonment, separate punishment would be quite practical. [Mr. TALLACK: Not under our present system. The system adopted in Holland and Belgium implied separation of prisoners from their fellows, and not from officials, chaplains, voluntary religious instructors, and the like, with whom abundant communication was permitted for the improvement of the prisoners.] He was happy to hear Mr. Tallack's remarks on this important point, because we should be glad in this country to borrow any improvement which the Belgium or any other system might suggest so as to enable us to carry out, satisfactorily, a long period of imprisonment, without inflicting injury to mind or body. The system advocated by Mr. Barwick Baker, who had given an assiduous attention to the subject during many years' valuable experience, appeared to be the wisest and best, at all events in regard to the great majority of crimes.

Colonel OLDFIELD (Ticehurst, Sussex) observed that prisoners might provide their own clothing with the money they could earn under the Belgian system, described by Mr. Tallack. With reference to the incident related by Mr. Baker, he suspected that many of the prisoners who said they could get work in London, only pretended they could get it, rather than take work offered to them; and if this supposition was correct, in all probability those men did not really return to honest labour. The cellular system was especially adapted to short imprisonments in the case of young criminals, who would otherwise meet with no punishment whatever; and as it was highly desirable that such a numerous class of offenders should not be allowed to escape punishment, however slight, he suggested that two or three days' cellular confinement at the police station under the care of the superintendent, might be found to answer the purpose much better than sending juvenile delinquents to gaol. He would hold parents pecuniarily responsible for loss or damage occasioned by children trespassing upon, or setting fire to property, and he, therefore, suggested that wherever such offences were proved, fines might

be levied upon the parents, a rule which, he believed, would have the effect at least of diminishing the number of cases in which children were encouraged by their guardians to commit mischief.

Mr. W. L. Robinson (West Riding Prison, Wakefield), remarking that the question of productive labour in prisons was becoming more and more difficult every year, desired to correct a published statement made by Colonel Beresford, M.P., which was calculated to mislead, in reference to mat-making at the Wakefield prison. Colonel Beresford had protested, on behalf of honest mat-makers, against productive labour in gaols, as competing unfairly with the trade outside, and so creating distress among workpeople. Presuming that such a statement could only have been prompted by false information furnished to the hon. member, a friend and himself made inquiry, and found the manufactories they visited in full operation, excepting some cases where the week's work had been broken by a day or two, in consequence of the absence of intemperate workmen. Not only was trade brisk, but the wages ruled as high as they had been for years past, without any recent reduction having taken place; so that he and his friend proved that the allegation made in the House of Commons, that private manufacturers suffered by the competition of prison labour, was quite erroneous. Wakefield now had the largest prison trade in England; about 1000 prisoners were employed in productive labour; and in order to be independent of the liability of not obtaining full work from manufacturers outside—when, for instance, a change for the worst took place in the labour market—the authorities themselves became manufacturers. They had a large capital, and a regular staff of well-skilled officers who conducted the business, instructed the prisoners in the acquirement of the trades carried on, bought in the cheapest market, and sold in the best. Care was taken to put the prisoners to that kind of work for which they were best fitted, or by which they might earn as much as the present Act of Parliament permitted them to earn towards the cost of their maintenance. But for the provisions of that Act, a skilled labourer would at once earn 12*s.* a week. Instead of that, one-third of the time of his imprisonment was wasted on the unproductive treadwheel, notwithstanding the desideratum that prison work should always be made productive.

Mr. Arthur Sperling (St. Ives) suggested that small gaols, of which there were four in his county, with an average of forty or fifty prisoners, might very well be concentrated into one for all practical purposes. So long as small gaols existed, instructors for separate trades would be quite useless, because there was not adequate employment for them there. All that could be done was to utilize every prisoner as he came in by giving him work to do as a bricklayer if he had previously followed that calling, or tailoring if he were a tailor. While agreeing with most of the recommendations submitted by Mr. Tallack, he felt the force of one above the rest, namely, that well-behaved prisoners should have a share of what they earned in prison by productive labour. Although his own experience was connected with the smaller class of gaols, he believed that more might be done for large prisons by providing instruction in trades.

The Rev. John Field, in reply, explained what he meant when he said that there should be no imprisonment under three months. Instead of desiring that the magistrates should meet every crime with that sentence, he wished him simply to exercise the power he had under the Criminals Act of dismissing the offender for the first trivial infraction of the law, or even for the second offence, but in the event of a re-conviction, he should inflict a cumulative punishment of not less than three months' imprisonment. The plan adopted in Belgian prisons of allowing the prisoners to work during a greater portion of their time, and also to receive a share of what they earned, did not appear to have such a good effect after all, since almost every released prisoner returned to crime. He accounted for this result by the fact that constant occupation killed time, and enabled criminals to banish reflection, which might otherwise prepare their minds for religious instruction, so that on quitting prison life they relapsed into crime. The same result, or nearly so, took place at the great prison at Perth, which, though admirably conducted, might be said to be a great manufactory, where, of those employed, about 80 per cent. went back to criminal pursuits, notwithstanding they had been kept in separate confinement for not less than twelve months. If the Section required confirmation of the observations made in his paper, he

need but refer to one of the best-conducted prisons in England, namely, that at Birmingham, where 1215 out of 2277 prisoners last year were re-committed. He also found that of 5822 prisoners committed last year at Wakefield, no fewer than 3033 were re-committed. He maintained that these examples supported the statement he had made in reference to the defects of the Belgian system. Under the cellular system, the more heinous offenders ought to be kept in separate confinement for a period of not less than twelve or eighteen months. This regulation was carried out when Sir Joshua Jebb was Director-General of convict prisons, and was found to work satisfactorily. In cases of transportation, Mr. Crawford and Mr. Russell so strongly urged that the convicts should be kept in separate confinement for that period, that their recommendation was adopted. But a change was introduced under the direction of Sir Joshua Jebb, the period was limited to nine months, and the consequence was a remarkable deterioration in the conduct of the convicts, who created riots, and seemed incapable of receiving any improvement whatever. With regard to the use of the treadwheel, the chaplain of the Liverpool gaol informed him that of 312 men at one time liable to treadwheel labour, only 110 were physically able to undergo the punishment. If this was the case in every prison, the treadwheel was surely a machine of the most objectionable character.

Dr. WINES (Commissioner sent by the Government of the United States to organize an International Prison Congress in London) said he had heard the discussion with much interest and instruction. It seemed to him, however, that there had been a little confusion of thought, if he might say so, so far as the propriety of the duration of a first imprisonment was concerned, a question the resolution of which would depend upon the resolution of a parallel one,—namely, what was the end and aim of imprisonment? It was evident that imprisonment might be awarded for one or other of two purposes—first, the infliction of suffering for the wrong done; and, secondly, the amendment of the offender, and his restoration to virtue, honest industry, and useful citizenship. If a man, who had not been previously convicted, were sentenced to three or six months' imprisonment for a mere peccadillo, that was too great a punishment; undoubtedly so, for the object was to inflict an amount of suffering exactly proportioned to the offence committed. But if the end of punishment was to change the man from being a bad man into a good one, then the question as to the propriety of the duration of punishment underwent a complete change; it was not the same thing at all. A few days prior to his departure from America, he was visiting a reformatory school at Rhode Island, when the superintendent related an incident which bore on the question under discussion. There was a lad who had been placed in the institution until he should be adjudged reformed; after he had stayed a year, the father came to see him, and was so pleased to find his son improved that he inquired of the superintendent whether the lad had not been punished enough for the little offence he had committed. "Well," said the superintendent, "let us talk that matter over a little. Here is your boy. He came twelve months ago in rags—he is now clothed decently and comfortably. He came here ignorant of his letters, he could not read a syllable—now he can read his Bible, and has a tolerable acquaintance with religious subjects, though he knew nothing about them before. He came here, not knowing how to do a single thing in the way of productive work—now he is almost master of a trade. After all this, what do you think?" The reply of the father was, "Well, I think you had better keep on a' punishing of him." There was the very point—the aim of punishment! Was it to inflict a certain amount of suffering proportioned to the magnitude or the triviality of the offence; or was the end to change and make the offender a good man, an industrious man, and a useful citizen? One supreme aim of punishment or imprisonment should, at all events, be to make him better morally, mentally, and physically, in everything that constitutes manhood or womanhood. When that became the aim, depend upon it, we should come to look upon the prisoner in our gaols not so much as a subject of punishment and suffering, as a ward of the State. Here the State should step in, and take the place of the parent who had neglected the moral, physical, and intellectual education of his child: and the only remaining question, after that, would be to determine when the improved condition of the prisoner gave reasonable

promise of his becoming an honest, industrious, and useful citizen. There were two prisons that appeared to make the reformation of the criminal the supreme end of punishment. One was at Louvain, as instanced by Mr. Tallack in his paper, and the other was the House of Correction at Detroit, in the State of Michigan, under the superintendence of Mr. Z. R. Brockway. The system now in force at Louvain had reduced the number of prisoners who relapsed into crime from 70 per cent. to 6 per cent. Excellent results also followed Mr. Brockway's regulations, though they were founded on the congregate plan; while the Louvain prison was conducted on the separation principle.

Mr. Tallack (London) said in reply, that he had described the present condition of the Belgian prisons, and not their former condition, to which Mr. Field's remarks applied, when he pointed out one or two defects. Since the period at which Mr. Field visited the prisons there great improvements had been introduced, and their tendency was to dispose released prisoners to seek an honest living; indeed, as stated by Dr. Wines in full confirmation of what he himself advanced in his paper, the effect of the system now in force was considerably to reduce the number of re-commitals. Wherever the system of remunerative labour had been carried out, with the right accompaniment of separation and religious and secular instruction, the results were invariably satisfactory. Mr. Robinson had defended the manufacture of mat-making in prisons, in reply to the representation that the manufacture of mats in the Wakefield and other prisons unduly competed with honest workers outside. Though he would be one of the last persons to suggest that prison manufacture competed unfairly with outside labour, he was disposed to attach some importance to what he had heard from the chief representative of the mat-makers in question; namely, that distress prevailed among them because the prisons of this country unduly competed with the outside trade. With regard to the solitary system, he believed nine months' confinement was too much for that, but not for the separate system.

Dr. Wines confirmed what Mr. Tallack said in his paper with reference to the excellence of the arrangements and of the order he had remarked in the Belgian prisons. In organization and administration they were certainly the most perfect he had ever seen, but at the same time he was not an advocate for the entire adoption of the Belgian system.

Lord Teignmouth (presiding) said it was no wonder that the problem of prison discipline was difficult of solution, when we remembered that three principles, which a few years ago were almost ignored, had now been recognised; namely, cellular imprisonment, industrial education, and religious and secular instruction. The Act of 1865, though a sort of charter of prison discipline, completely failed in recognising those three principles together. The cellular system was introduced there in its integrity; but it was impossible to carry out the system during the whole term of imprisonment, simply because no man could bear it. The question then remained, how could that system be modified so as to admit the two other principles of industrial education, and of religious and secular education? His own experience as a visiting justice inclined him to the belief that the difficulty might be well met by making the earlier part of the imprisonment rigidly cellular, in the place of the starving diet given under the Act of Parliament. The prisoner might be confined in the cell, without employment, for one month; then he should have penal labour to do, and afterwards profitable and industrious work; so that the severity of the punishment might be gradually mitigated until the expiration of the term of his imprisonment. The prisoners should also be brought together in a school, for it was simply ridiculous to expect that any real good could be done by a warder or a schoolmaster devoting five minutes to each prisoner. In one prison he could name the warder acted as schoolmaster; and if the prisoners could not read, the warder got over the difficulty by reading to the prisoner. That kind of thing was called "education!" From inquiries he had made, he did not scruple to say, that the education of prisoners was, on the whole, grossly neglected in this country; and that, consequently, the provisions of the Act of 1865 had not been enforced. With regard to industrial education, it was discouraged by that measure, while encouragement was even given to penal education. The Prison Ministers Act authorised the introduction of chaplains other than those belonging to the Church of England; but as this measure was of a permissive character, the

system it inaugurated had the effect rather of victimising the prisoners. Last year the House of Lords passed a Bill enforcing the Act, so that a priest should be appointed wherever there were a certain number of prisoners belonging to the Roman Catholic Church, but the House of Commons rejected the measure. He felt persuaded, for his part, that as soon as religious instruction was secured in a complete form, our cellular system might so be modified as to embrace the successful co-operation of the three principles he now enunciated. Parliament would not yet consent to grant this desideratum, and all that could be done at present was for gentlemen connected with prisons and interested in their discipline to endeavour to solve the problem and bring to Parliament the result of their experience. Both Houses would then listen to the voice of public opinion, and take into consideration the valuable information thus put before them. With regard to the proposition of Dr. Wines, he very much questioned whether it could be carried out; he rather believed it might only end in the certainty of a perpetual imprisonment as far as many prisoners were concerned, for he could not ignore the fact that the greater number of them were quite irreclaimable. At the same time, he felt that the main and uncontroverted principle of imprisonment should be the reformation of the prisoner, and that the application of this principle had long been grievously neglected in Great Britain and other countries.

SECONDARY PUNISHMENTS.*

By what principles ought the amount of punishment other than capital to be regulated? By Mr. Serjeant PULLING.

VIEWING punishment only as a part of the system of treatment of crime, we are driven to the conclusion that the chief object to be cared for is that the quantity prescribed should be efficacious. Good and evil we too well know to be equally attributes of poor human nature, and as we can neither put down crime, or stamp out evil, like a physical pestilence, we can only resort to that course of treatment which we believe to be the most calculated to keep the disease under—to cure if possible the particular case treated, but before all things to prevent the malady spreading.

Now the object of exemplary punishments being to deter from crime, it is difficult, if not impossible, to hit upon any fixed quantum which will serve as a specific; what will deter one will have no perceptible effect whatever on another. The mere loss of character is a punishment, deterrent enough to most of us, to keep us from criminal conduct, but loss of character has no terror for the habitual criminal. Unhappily among this class of persons the risk even of detection and punishment has little deterrent effect, whilst we may assume that the mere amount of punishment enters little into the thoughts of most of those who commit a first crime. The dread of capital punishment did not deter from sheep stealing, or from forgery, people of previous good conduct; and the risk of the last dread sentence of the law does not even now deter from murder; whilst we may certainly assume that the *mere danger* of incurring the penalty prescribed for theft operates very little to prevent depredation.

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* See *Transactions*, 1864, p. 313; 1865, pp. 203, 258; 1868, p. 369.

It seems to follow from this that mere punishment will not alone suffice as a cure for crime more than the dread of it will serve as a preventive. Punishment can only be of service as a *part of the system* of treatment of crime and criminals. To be of any efficacy it must come as a known, certain consequence of doing wrong—not depending upon volunteer prosecutions, or upon unskilled or capricious magistrates, but following inevitably, as far as human calculation can present it, on the heels of crime, and punishment thus coming to be felt as a direct consequence of crime to the criminal should be made to operate as far as possible by way of antidote against its recurrence; the criminal being forced to work his own reform, to give earnest for his future conduct, and to make amends for his past misconduct in the way of compensation to the injured party, and to the State for the cost his misconduct has occasioned. The prescribed punishment, or penal consequence of crime to the criminal would thus go far to prevent the spread of the disorder.

This certainty of punishment would effectually be ensured by prosecutions for crime not being left as now to mere volunteers, but to a public prosecutor; and by such a reform of our Magistrates Courts as to produce uniformity and efficiency in the administration of justice: also by a diminution of the many quibbles of the law which, *in favorem vitæ*, the old system of capital punishments originally created, and which still have to be weeded out of our criminal jurisprudence: and the moral quibbles as to responsibility for crime, which owe their origin to the same source.

The treatment of criminals in prison, ameliorated as it undoubtedly has been by modern reforms, should not be left to the capricious management of prison officials, to be learned only by actual inmates, but reduced to a system which should be uniformly acted on, and made known to those who may be contemplating a career of crime; and when the term of actual imprisonment has expired, the convict should be deemed under a recognizance for his future good behaviour, and liable to be called upon for a definite period afterwards, to show that he is leading an honest life. We require to some extent such a security from those who use merely threats, and yet require none from the actual perpetrators of crime.

The last requirement I have made is, in accordance with Bentham's maxim, that the measure of punishment should outweigh the profit derived from the offence. We are in this, as in many other matters, very inconsistent. We make the amount of relief afforded to the pauper a debt due from him, but excuse the criminal whose cost is so much greater. We refuse to relieve the trader whose debts are contracted by fraud, but we send out into the world, unfettered, the criminal despoiler. Were the receiver of stolen goods assured of his obligation to disgorge his nefarious gains, the punishment would be far more efficacious as a deterrent than the risk of any amount of corporal punishment.

Were the prospect of gain by crime as far as possible taken away

from the criminal, our gaols would be less full. We have done away with the old feudal notion of a general forfeiture of felons' property, but liability to make restitution and amends for wrongs seems to me to stand on a wholly different footing. I would fasten upon the criminal offender this obligation to make actual compensation for his offence, and on the other hand I would give to the really reformed criminals, protection and assistance in gaining an honest livelihood by his own exertions; or, failing this, by work assigned him at the public cost.

Mr. T. B. Ll. BAKER read a paper on the question, in which he said that the Justices of Gloucestershire had agreed to recommend to their brethren of the county the adoption of a general rule for passing sentences for felony, with a view, less to an exact retaliation of the particular offence committed, than to the prevention of future crime. It was proposed that the sentences should be regulated, less according to the supposed heinousness of the last offence than by the probable continuance in crime, as shown by previous convictions, and this to a far greater degree than has been usual, giving, as a general rule in ordinary cases, ten days for a first conviction, six months for a second (with police supervision), and seven years' penal servitude for a third. It was believed that if a man knew that having been in gaol once, he was, if again convicted, nearly certain of six months' sentence, that knowledge would have a far more deterrent effect on him than if he believed that his sentence depended on the view that the court might take of the particular crime committed. It was not urged or wished that the rule should be a rigid one, or that it should be suddenly or unanimously acted on by all the Bench. The public adoption of it, however, has been important, as it has given authority to the prison officials and to the police to tell a prisoner what will probably be his sentence if again convicted. Our great object in punishment is to obtain the maximum of deterrence with a minimum of pain, and a tolerably definite idea of punishment will deter far more than a vague idea that some punishment will be inflicted which a man always hopes will be slight. One effect which it is gradually producing, which, though of far less importance than the repression of crime, is worth the attention of all—but of some counties especially—is, that while it increases deterrence it decreases the "daily average" of prisoners. This is of importance to all—not merely on account of the slight expense of maintenance, but because the detention of men in an unnatural state at a cost to the country, instead of maintaining themselves and enriching the country by their labour, is an evil only to be borne for the sake of diminishing the far greater evil of crime. But to any county which happens to find its crime outgrowing its gaol, and is dreading to be called to lay out several thousands in additional buildings, it may be especially worth considering whether a decrease of prisoners may not be preferable to an increase of cells. The writer then quoted statistics of Gloucester gaol to show that the sen-

tences for "not exceeding fourteen days" (most of these being ten days' sentences) and those "not exceeding six months" have considerably increased, while those of one, two, or three months, and of one or more years, have diminished;—the effect being that the "daily average" is much decreased, although the system has not been as yet sufficiently understood to have any effect in diminishing the number of convictions. But when it is felt—as it must soon be—that, especially after the passing of the late Prevention of Crime Act, a sentence of six months with seven years' police supervision, is a far better protection to society than an imprisonment for one or two years; and that a sentence for two or three months is less preventive of future crime than one of ten days with a knowledge that "Six months' imprisonment will come next time," such a reduction of the "daily average" in gaols will take place as will probably save many counties from additional buildings for the present; while he felt little doubt that were nearly all the third convictions removed from society for a lengthened period, the number of second and third convictions would very greatly decrease, and the daily average in gaols would sink to such a degree as would postpone such additions to an indefinite period. He had little doubt that when the system is well understood the number of very short sentences will greatly increase. Many masters, who find servants committing slight peculations, will take them to a Petty Sessions, and get them a week or ten days' imprisonment, and thus prevent a habit of stealing; but though it may cause more convictions, he believed that it will greatly decrease our daily average of prisoners.

DISCUSSION.

Mr. Serjeant Cox said it certainly was difficult to determine what should be the principles of punishment, other than capital. Every man concerned in the administration of justice must have desired, at one time or another, to frame in his own mind, some rules by which to regulate the sentences to be passed upon the offenders brought before him. It was impossible for any judge to sit hour after hour and day after day, trying criminals, without feeling the necessity of observing some rule for his own guidance when called upon to determine what should be the particular punishment for a particular prisoner. For his own part he had made an endeavour to do this, but after the exercise of much care and thought, he must confess that to lay down a principle was far easier than to adhere to it. Sitting in his chambers or study, he might consider every crime in the abstract, and reason thus: If the case be that of a man who has robbed his master by means of an elaborate fraud, then we lay down the principle that, where the mere offence of larceny is increased in criminality by the fact that advantage of his position has been taken, and that the crime of breach of trust is added to the crime of theft, in such a case the punishment should be increased by reason of the double criminality. In that way a kind of scale of punishment was drawn. But when you came to actual practice in court, although you may have the case of a servant robbing his master, and all the elements of the crime may be present, a large number of extenuating circumstances appear. The offender is young, and, as a servant, he has been placed in circumstances of extraordinary temptation. Now you could not deal with young criminals, led perhaps by a bad example, as you dealt with old ones, and so you had necessarily to modify your principle until it became almost entirely annihilated. But much more might yet be done to remedy what

was undoubtedly a great defect in the present administration of the criminal law, namely, the variety of sentences passed by different judges in different parts of the country; for identical offences every judge took his own view of a particular offence. One had, perhaps, a peculiar hostility to house-breaking, another was as strangely opposed to something else, while each regarded the subject of his hostility as being worse than other kinds of crime. And so with the magistrates. You found one punishing with nine months what another magistrate punished with ten days—the same disparity being shown by judges even of the superior courts. No doubt the judges might be brought to agree together upon general rules, according to which punishment should be administered. The reason of this disparity in sentences for the same offence, was that the judges had not yet laid down, for their own guidance, anything that approached the principles of punishment. There might be a conference of judges and magistrates held, say, once a year, so that a question of great importance affecting the administration of the law throughout the country might be talked over, with a view to determine upon a uniformity of treatment with regard to the crimes most frequently committed at the time, for there was a fashion of crime, certain crimes prevailed at certain times, and according to the severity of the punishment they diminished in number, or disappeared altogether. In the application of punishment he maintained that a very broad distinction should be drawn between the professional criminal—the man who makes crime his business, and who lives systematically by the plunder of society—and the man who commits a crime from sudden impulse or momentary temptation. This former class required to be dealt with differently from the mere accidental criminal, who, it was hoped, would be deterred by the punishment he had to undergo from the further pursuit of crime. There was no such hope for the habitual criminal class, for a man who has made a business of crime could live by nothing else. The question then presented itself, how are these persons to be dealt with? His conviction was that the right way to deal with the habitual criminal would be to punish him, at first, with a long term of imprisonment, as the only means of preserving society from his depredations; for as long as he was at large, depend on it, he was at his work; turn him out, and he was back to his profession within twenty-four hours from the time he left gaol. Experience of such a class of men went to show that they were beyond reformation, and the only course that seemed open to society was to make the exercise of the trade of the habitual criminal as difficult as possible by preventive measures, or to make it impossible for him to use his hands at all by locking him up. He thought important steps might be taken in that direction; for it was quite monstrous that although the police in London knew the very kind of houses where habitual criminals resorted to, and the very crimes they committed, yet such persons were allowed to remain amongst us. Everybody knew that these criminals were habitually living by plundering the community, and yet that the community had no kind of security for their good behaviour while they remained at large. A great deal was said about the liberty of the subject, and especially by those who said how monstrous it was to go to men's houses, and to require from them an account as to how they got their living. For his part, he had yet to learn that society was not quite justified in demanding from a man who was known, or believed to be a professional thief, that he should give an account of his mode of life. If he were honest he could tell the policeman so, but if dishonest, and unable to account, surely there would be no great hardship in calling upon him, either to live honestly, to quit the community altogether, or go into gaol, where he had no opportunity of exercising his propensities. With regard to the question of accumulated penalties, the law did, two years ago, attempt to tie the hands of judges, by introducing a provision requiring judges, on third convictions, to sentence prisoners to penal servitude. Mr. Baker's plan would, of course, to some extent, justify a suggestion of that kind; but, on the other hand, if it were made compulsory upon all occasions to send a person, on a third conviction, to penal servitude, the consequences would in many cases be most formidable, because it frequently happened that a third conviction was no test of professional or habitual criminality. In rural districts more particularly, there were small agricultural crimes which, though they certainly were larcenies, might be better termed paltry offences, and could not come within the category of serious crimes. It was quite impossible to fetter the hands of judges in that manner, and

all we could now do was to call upon them to exercise the discretionary power they possessed with a little more severity than they had been wont to do. With regard to supervision, which was appended to the punishment of penal servitude, he was at a loss to know what was really meant by that supervision, nor could the police tell him, nor could he find that that supervision was any practical impediment whatever in the way of a criminal. He held in his hand a document of a most extraordinary character; it was a list sent in to him at the beginning of the sessions over which he presided, setting forth the persons who had been already convicted. Although a prisoner on a second conviction was rendered liable to severe punishment, namely, penal servitude and police supervision, here was the law shown to be administered in a way that one could scarcely credit. According to this list, a person who had been convicted twelve times was sentenced only to three or four months' imprisonment for each offence. He quoted a list of light punishments which had been inflicted for repeated offences, and asked, in the face of that, how the law could hold criminals *in terrorem?* He hoped that police magistrates would give their attention to this subject. Under the Summary Jurisdiction Act, magistrates had a summary power to deal with larcenies and embezzlements, in certain cases, limited in amount to 5*s.*; but there was this extraordinary exception, that if the prisoner pleaded guilty, the magistrates might take cognisance of that plea, whatever the amount. How was that Act worked? It was a law well known to professional thieves, and when any of them were brought before the magistrates they preferred to plead guilty, because they knew that the magistrates could not give them more than six months, whereas if the prisoners were sent to the sessions, and previous convictions were proved there, the sentence would not be less than penal servitude. In this way, magistrates sentenced to six months' imprisonment old offenders who would have been sent to penal servitude three or four times over had they been committed to the sessions for trial. The course which he contended the magistrates ought to take was, that instead of accepting the plea of guilty, they should delay the exercise of their jurisdiction until inquiry had been made to satisfy them, not that the prisoner had been previously convicted, but that he had not been convicted before. After the criminal was out of the hands of the judge, what might be termed "a free distribution of punishment" should take place; and this, he held, clearly came within the scope of the question before the Section. Undoubtedly the law could not do more than apply certain punishments to certain offences. Therefore, in dispensing the law, the judges had to consider, not so much the character of the criminal, if at all, as the nature of the crime. We ought to punish the crime in the court; and in the gaol, we must punish the criminal. We should then consider the nature of the crime as regards the mental and moral character of the person who commits it. What he contended for was, that when the prisoner was safely housed in gaol, and undergoing his sentence, we should apportion his punishment according to his character and the nature of the crime he had committed; so that if he were an habitual criminal, he should be treated as such by a long imprisonment, in the course of which he ought to be called upon to work; and if he continued until he had worked out, by the sweat of his brow, the restoration of the property he had stolen, that would doubtless have a deterring effect upon his mind. Following up the same principle, prisoners should be classified, while in gaols, for different treatment, according to their particular propensity. If one man were of a violent disposition, his treatment ought to be different from that of a man whose mind had a tendency to fraud. From a general impression of the disposition of the prisoners respectively, he thought it would be practicable to regulate the punishment to the character of the criminal as well as to the nature of the crime, and so modify very much, either by severity of treatment, moral treatment, or other means, the sentence which the judge had to pass.

Mr. Safford (London) observed that the metropolitan police courts generally remanded prisoners in order to ascertain whether they had been previously convicted. The mistake which, he believed, was commonly made in this matter was not in supposing that the magistrates were in too great a hurry to convict, but rather in assuming that any police force was capable of recognising all the

offenders within the district. In the metropolitan police district, there were at large, according to the "Judicial Statistics," 4044 depredators known to the police, irrespective of the much larger number in prison. Recollecting that the metropolis contained 3,000,000 inhabitants, it would be absurd to expect the police to recognise every criminal, and to inform the magistrates, on every occasion, whether the prisoner before them had been previously convicted. His own experience enabled him to say that since the Habitual Criminals Act had come into operation, and the register kept, a much larger proportion of old thieves had been sent for trial; and that the business of the metropolitan sessions had greatly increased in consequence of re-committals by the magistrates. Of course he did not mean to say offenders were not dealt with immediately by the magistrates; but as a rule it would be found that those persons had been previously of good character. For instance, a servant, who had been under one mistress for two or three years, was charged with stealing. In such a case as that there was very little probability of the person being an old offender, and the magistrate would, likely enough, take her plea of guilty and deal with her case at once. It was said that in the country, the justices' clerk influenced the Bench; he believed there was very little ground for the supposition that inquiries as to the character of prisoners was superseded by the advice of the justices' clerk. With regard to the apportionment of sentences, magistrates and judges experienced a great difficulty on that subject, even at the time of trial, when all the circumstances of the case were before them; and that difficulty would, of course, be considerably increased if visiting justices, who would know little or nothing of the case, were called upon to apportion the sentence, and to direct what punishment the prisoner should undergo. He was disposed rather to approve of the system of short sentences, advocated by Mr. Barwick Baker; for much harm was done by long sentences, especially to juvenile offenders. It was well known that the views of the juvenile thief were very romantic, that they were based upon fictitious stories that he read, and that the effect of them would soon be dissipated by twenty-four hours' confinement in the depressing atmosphere of a police cell. Once let a lad go to prison for three weeks or so, and he would be sure to get accustomed to prison discipline, which then would have very little effect upon him—at any rate considerably less than a brief detention at the police station. In reference to greater similarity of sentences, that was, no doubt, a most desirable object, which he believed might soon be attained by agreement among the judges; but not by legislative enactment, for anything done to fetter the magistrates in the passing of sentences would simply render the law nugatory.

Mr. Georgs Hurst (Bedford) said it was difficult to fix a scale of punishment, because no two crimes exactly agreed in all the circumstances. Attention had been called to the inequality of sentences passed upon persons who had been convicted several times, the punishment being lighter at the latter than at the former part of his career. This, however, might often happen, without surprising us, if we were acquainted with all the circumstances, because many persons committed a second, third, and fourth offence under circumstances mitigated by a sheer want of subsistence. He held that for the first offence a man ought to be more severely punished than for subsequent ones, inasmuch as the first offence was one of choice rather than necessity, whilst the second was generally an offence of necessity rather than choice. The argument that punishment ought to have some reference to the kind of crime committed, might well apply to cases of assault, especially upon wives and children. The man who committed this kind of offence had an especial dread of personal suffering: he was generally an arrant coward, who could only be thoroughly punished by receiving something like what he gave, and upon whom a cat-o'-nine-tails might have a most repressing effect. A special mode of punishment might also be provided for swindlers, more particularly mercantile swindlers on a large scale. Such persons, he maintained, ought to be stripped of their honours and distinctions, whether in regard to their position in society or otherwise. No man who had been proved guilty of a dishonest and dishonourable proceeding, ought to be permitted any longer to bear the title of "Honourable" affixed to his name. It was, perhaps, impossible to cure crime, but measures might be taken which would have the effect at least of diminishing its extent. For his part he did not regard the habitual criminal as

hopelessly bad. He believed no man was so bad but that something might be done to bring him back to a better state of feeling and conduct. It had been proved over and over again that we were very much the creatures of habit, and that a bad habit once acquired was extremely difficult to get rid of. It was so with the habitual criminal. The great work, therefore, to be attempted was to improve the habits of the habitual criminal, which could not be hopefully undertaken unless that class were put in the way of getting an honest living after leaving prison. He should be kept in gaol until he acquired habits of industry which would give him a chance, either in his own country or some other, of earning an honest livelihood, for if he were again sent into the world without any honest means of obtaining subsistence, he must as a matter of course fall into his old habits, however determined he might be to reform himself. The man who could not show that he got his living in a legitimate and honest way, should be taken to some place where he might learn habits of industry which might enable him to earn his own living. The introduction of better circumstances would have the effect of fostering better habits, and so there might be hope of reforming even the most depraved habitual criminal.

Mr. Wheelhouse, M.P., apprehended one of the greatest evils of the present system of punishment was an evil distinctly attributable to legislation. For many years in the West Riding of York, he had observed, with regret, the difficulty that attended the working of an Act of Parliament, which required that, where the justices or judges had a previously convicted prisoner before them, and one whom they felt they ought to send to penal servitude, the term under such circumstances could not be less than seven years. As had been truly remarked, the principal step towards the reformation of the offender, whether juvenile or adult, was to make the first punishment felt. With regard to the punishment of the young he did not think a short solitary confinement would have the effect of reforming a lad at all; though it might be desirable to allow magistrates to exercise the power, whenever they were persuaded, from the circumstances of the case, that no other method of punishment would suffice. For his part, however, he believed juvenile criminality would be best repressed by imposing a fine upon the father or caretaker for neglecting to look after his child. The father would then feel the necessity of avoiding future penalties, and would, in all probability, preserve his child from crime. What had been done, up to that time, for the city "Arab?" Nothing at all, except that, when the police got hold of him and took him before a magistrate, he underwent punishment, and was then let loose upon society, no better for his prison education. Indeed, if a plan were proposed to educate thieves, none could be more effective than that adopted in the treatment of the unfortunate city "Arabs." Years ago, thanks to Mr. Barwick Baker, the first idea of reformation was successfully carried into effect. More, however, yet remained to be done by the State. Ever since Mr. Barwick Baker's plan was brought forward, he had held the view that, at any rate, it was not desirable to leave reformatory schools under voluntary supervision entirely, but that punishment, with reference to any age or any class, ought to be under state control. He still maintained that state control was needed, especially in the punishment of juvenile criminals. With regard to the criminal population generally, he was convinced that their reformation would best be promoted by making their punishment felt, whether by long imprisonment, solitary confinement, or any other method, exceptions being made in the case of juvenile offenders, whose parents ought to pay the penalty. He could not follow Mr. Hurst in the contention that the first offence should be more severely punished than subsequent ones. The magistrate might have his own ideas of what would be good for the criminal brought before him, but he was not left quite free to exercise his discretion in the matter: but if any person, other than the justice, were to take upon himself to administer, or to apportion punishment, it would be a very retrograde step if that punishment were to commence with great severity and culminate in the way described by Mr. Serjeant Cox. Rather let the punishment be felt in the first instance, then it should be known to the criminal population generally, after the first conviction, that a heavier sentence would follow on a second conviction, and after the second offence that a third conviction would be visited with a very severe punishment indeed. Such was the plan substantially adopted in

Gloucester and other counties, and it was clearly applicable to the criminal class as a body, with whom we had most to do, and whom it was most difficult to reform. He, for one, did not consider, because a man fell from a high state into criminality, he was to be punished *ex necessitate rei*. To him the loss of a good name was infinitely more severe than the imprisonment, which the criminal class mostly dreaded. With regard to justices' clerks, he would recommend that they should be remunerated by a fixed salary, not because he thought they generally did what was indefensible, but because it was desirable any scandal which might attach to a very worthy class of men should be removed. The law was not at fault in this particular, since it did not prohibit the appointment of such officers at a fixed salary. Then, with regard to stipendiary magistrates, there was a feeling among lawyers that their more general substitution for the unpaid magistracy would have the effect of making the sentences upon prisoners more equable than they now were. A notion prevailed in some parts of the country, especially in the manufacturing districts, that most magistrates had strong feelings upon questions of gain. That they were prone to more severity of punishment for offences on the part of workpeople than for offences that were not immediately connected with manufactures. He did not say this notion had any real foundation in fact, but at any rate, it had obtained firm hold in the public mind, and something done to dissipate it might have a beneficial effect. That suggestion, of course, favoured the more general appointment of stipendiary magistrates; indeed, he maintained that Henry Sheridan's short Act ought to have been compulsory in its application to all large boroughs, and that any one with a population of 20,000 ought to have a stipendiary magistrate. Had that been done, we should now have had the advantage of arriving at one set of sentences, and have been without that system, the operation of which gave rise to the somewhat common remark in the trade districts, "If he is brought up before So-and-So, who are both master manufacturers, won't they warm him for stealing that cloth."

The Rev. W. C. Osborne (Bath), as chaplain to a gaol, could not allow what had been said to pass unchallenged, at least in some respects. He believed that crime was much less in extent than was generally imagined, and that, on a close examination, it might be found that the habitual criminals did not number more than a thousand in the country. Judicial statistics set down hundreds of thousands, but five out of every six were petty offenders. Of these, according to the "blue-book" he held in his hand, 80,000 were offenders against the local Acts of boroughs and counties; 5000 or 6000 were vagrants; and so it would appear that the more serious offences were but few as compared with previous years. The Habitual Criminals Act had his strongest condemnation, as a dangerous measure, since it gave almost unlimited power to the police over the criminal. How did this enactment work? Under it, the returned convict was obliged to report himself at least once a month, say, for two or three years, consequently he could not go very far away. Suppose, however, he had to change his place of residence, and in doing so, omitted to notify the change, he came at once under the lash of the police, who said, "Now I know you; be off, or I'll report you." And then he "took to the road." That was a conversation he had frequently heard. If the Act were carried out in its integrity, this would be the result. Could it be supposed that so poor and unfortunate a creature would be able to find work immediately on his quitting gaol? This new Act would seriously interfere with that class of men settling down and getting an honest livelihood. When a constable was enabled to say to a troublesome fellow, "If you don't be off, I will report you to the chief," we had at once an *imperium in imperio*, and the whole criminal population would be placed at the mercy of a member of the lowest rank in the police force. With regard to the passing of one set sentence, irrespective of the circumstances attending the crime, that would appear monstrous on reflection, for if such a proposition had effect, a man who repeated the offence of breaking into a shop and there stealing a bread-loaf, would be sentenced to three years' imprisonment, and for a third offence of the same kind, seven years' penal servitude. He thought a little too much was said about the advantages which photography possessed under the Habitual Criminals Act. If a man wished to avoid detection, he made his photograph of none effect when he shaved off his

beard, or put one on, or otherwise altered his personal appearance. Nor had recommittals the value which their great number signified, for many old offenders were only half-witted, in fact, one-tenth of the prisoners then in gaol were imbecile. Some women had been recommitted no fewer than twenty-four times for drunkenness. When these matters were taken into consideration, it would be found that the gravity of the crime committed in the country was not so great as many persons were led to suppose.

The Rev. JOHN FIELD (Northallerton) agreed that crime could be repressed more effectually by the endeavour to reform than by actual punishment. The difference which existed between first convictions and first punishments ought always to be distinctly maintained, and in reference to the opinion expressed by Mr. Hurst on this point, he observed that our law had admitted the principle that a first offence need not be visited with punishment, that a warning might be deemed sufficient, but that punishment must follow a second offence. Accepting that principle, he entirely concurred in Mr. Hurst's view that the first punishment should be severe. *Obsta principio*, in reference to punishment, was a maxim which ought to be strictly adhered to. The proposition of Mr. Serjeant Cox that the prisoner should be dealt with, in reference more to his character than to the crime he committed, could not be too strongly urged, but it was a difficulty to determine how the character should be estimated. The learned serjeant said he would do that by the number of convictions, and he remarked that felonies or larcenies might be of the most trifling character. So they might, and it would be well to bring petty offences under the term of larceny as distinguished from felony. But supposing a criminal were convicted a third time of felony, his character would become so stamped with infamy that it would be an injury to society if he were released soon from imprisonment; he would go forth a confirmed criminal, and as such would tempt others. In that way we had a multiplication of offenders. The learned serjeant said he had no experience in the execution of the criminal law, after he had, as a judge, passed sentence upon the prisoner. That remark appeared to be confirmed by a subsequent one, that labour, penal, hard labour, must at once be inflicted upon a criminal as a deterrent from crime generally, and a terror to the criminal himself. His own experience differed from that of the learned serjeant in this point, inasmuch as it enabled him to say with perfect confidence that labour was a mitigation of the punishment of the seclusion of the cell. For if a prisoner were deprived of the opportunity of labour, he would, before the lapse of ten days, beg hard for some employment. It was well known that criminals would almost do anything rather than be subjected to the severe discipline of the cell, and left to their own miserable reflections. In fact, solitary confinement was felt so keenly that it was unsafe if continued beyond a short term. He was among the earliest advocates for the separate confinement of offenders, chiefly on the ground that that system could be easily adapted to the particular character of the criminal. To deal with all criminals after one uniform plan was a great mistake. We knew when men were criminals by the number of their convictions, but when they were committed to prison the actual execution of the sentence remained; and he would suggest that some officials be appointed to regulate the punishment. Their duty should be to make a report to the visiting justices, who might then indicate the special kind of punishment which the character of each particular prisoner appeared to demand for his reformation.

Mr. WETHERELL (Chief Constable of Leeds) presumed that the character of Bath was widely different from that of Leeds, or Mr. Osborne would not have entertained so unfavourable an impression in regard to the effects of the Habitual Criminals Act, since the passing of which, indictable crime in Leeds had decreased 31 per cent., street robberies with violence having fallen from 42 to 28. Within the same period all classes of indictable offences had declined from 959 to 649. The Act was put in operation in Leeds as soon as ever it became law. As chief constable, he selected officers to look after known thieves, who had been so all their lives, and whom the police could soon find. These habitual criminals were first warned that if they persisted in the habit of getting women to walk before them, as was the custom among street thieves of that class, they would be

arrested. A few of the worst characters were taken into custody, and that led to a general exodus of that class of thieves. Had he been empowered to send officers to Hull, and other places, to enforce the Act there, as it had been in Leeds, the same result would have followed, and the entire class would have disappeared. With respect to the revocation of licences, no doubt that was a power on the part of the magistrates which might be considered arbitrary; nor would he deny that the police also had great power entrusted to them, but where these had been judiciously exercised, he held that no hardship was inflicted upon licensed victuallers. The first revocation of a licence in Leeds effected good, which extended to other property belonging to the same owner, and to others also. So long as they got their houses occupied and received the rent, they did not appear to care much about the character of the tenants; but now that they found themselves implicated whenever their tenants incurred a penalty under the Act, they took care to have their houses occupied by persons who would carry out the law instead of breaking it. For this purpose owners granted only short leases to publicans, on condition that one offence against the law should forfeit the lease held by the offender. In Leeds, only one information had been found necessary, for the revocation of a licence in that instance had operated as a most salutary caution to licensed victuallers generally. There had also been but one revocation of a beer-house licence. In Leeds no measure had ever worked better than the Habitual Criminals Act, the public had firmly supported the police in carrying it into effect, and no criminal ever complained of unfair treatment under its operation.

Lord Teignmouth (Chairman) called attention to what was technically termed "The Cumberland System" for vagrants, remarking that its success in Gloucester must be attributable to the fear all vagrants had of meeting Mr. Barwick Baker there. In Cumberland, however, the system was rendered inoperative by the present state of the wards. He had visited the workhouses, and found the vagrant wards there so execrably bad, that to send a vagrant into one of them would only lead to the spread of infectious disease. What he himself saw in those wards, and the accounts he received from the workhouse masters in Cumberland, induced him to get the North Riding Quarter Sessions to pass a motion on the subject, and to communicate with the Home Secretary and the President of the Poor Law Board. The revelations were perfectly startling, and the workhouse masters besought the Quarter Sessions to do anything in their power with a view to amend the condition of the vagrant wards, or obtain some modification of the law relating to them. It was clear that the vagrant system could not be carried out unless the Government undertook the charge of its application all over the country. Magistrates, he held, ought to be allowed discretion in the discharge of their onerous duties, though that discretion should be kept within bounds, for judges, much less magistrates, were not infallible. Public opinion should be brought to bear upon the magisterial Bench, and much good might be done in that direction if the press were to continue to record pretty generally the decisions of magistrates, the verdicts of juries, summary jurisdictions and others, inasmuch as that kind of publication had produced an effect already. Mr. Barwick Baker seemed disposed to draw a hard and fast line, when he advocated that cumulative penalties should be fixed. It should be recollected there were all sorts of delinquency, and in the due exercise of their discretion magistrates had to consider whether the prisoner was entitled to any mitigating circumstances before they pronounced their decision against him. But the main question was, what effect had penal servitude? Under the Act the magistrates were driven to the alternative, either to send a man to penal servitude or to prison, and as they could not bring their minds to inflict a long term of penal servitude when the case did not demand so severe a punishment, they sent the man to prison. What followed? The two years' system of sentences could not be worked well in a prison; some people thought solitary confinement should scarcely last nine months, and the consequence was that our prisons were filled to overflowing. There was an illustration which condemned the hard and fast line at once. As for the magistrates depending upon their clerks, his experience in the North Riding and in Middlesex enabled him to say that they exercised their own discretion, and that although they had necessarily to consult the clerks in an Act of Parliament, these officials did not

rule the Bench. Our magistrates were widely different, as a class, from the men of high position on the continent, who, for want of like employment, were often idle and frivolous, and indulged a spirit of aristocracy. In conclusion, while he could not join in all of the propositions for radical and various reforms, he would not despair of at least some of them, if a general exertion were made to elevate the character of the magisterial Bench.

TRADING IN STOLEN PROPERTY.*

By what Measures may the Trading in Stolen Property, whether by Purchasing it or Receiving it in Pledge, be most effectually Prevented? By EDWIN HILL.

THE importance of putting a stop to the traffic in stolen property cannot be doubted by any one who accepts the well-known adage, "If there were no receivers there would be no thieves." But we must feel this importance much more deeply when we reflect that the many facilities for the disposal of petty pilferings that exist in our large towns, are a sore temptation to the children of the very poor to commence thieving at a very early age; and hence to acquire habits that, unless broken by some external force, will not improbably result in the children growing up confirmed criminals. To break up these pernicious facilities, therefore, would be to sweep away those allurements by which now hundreds, thousands, perhaps even tens of thousands, are at the outset of their lives drawn aside from the paths of honesty, and their chances of becoming worthy and useful members of society destroyed.

As to suppressing this iniquitous traffic, at first sight the detection and bringing to justice of those engaged in purchasing stolen property, or advancing money upon it, would seem a task of no great difficulty; for—

(1st.) Every such dealer must have a place of business to which the thieves can take their booty as they secure it.

(2ndly.) He must be known to many thieves, or his profits would not compensate him for the risks he must run.

(3rdly.) Those who know him as a receiver are of a class—especially as respects its younger members—presumably open to inducements to assist in his detection; a class, too, that the detectives know well how to deal with; as any one studying the police reports will gather from seeing the very recondite information they do obtain regarding crimes, in respect of which the greatest pains have been taken to effect their concealment.

Now, seeing the acknowledged importance of suppressing this criminal traffic, and the apparent ease with which the guilty parties can be got at, it may be reasonably asked, why is not the thing

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* See *Sessional Proceedings*, 1868-9, p. 27; 1869-70, p. 437.

done? Or rather, why has it not been done long ago? The only answer I can give is, that the fault lies with the Legislature; the law against receiving stolen property is ineffectual, and the efforts that have been made of late to induce the Legislature to make it strong enough, and searching enough, to reach and master the evil, have failed to do more than to obtain a few small crumbs of improvement. As the law now stands, the impunity it affords is so great that in London alone the high probability is that for every case in which the guilty parties are caught and punished, there are at least 5000 which the law fails to reach.

A few cases will, perhaps, show most clearly the points in which our law is defective.

The first and second case which I shall mention concern the absolute purchase of stolen property; the remaining cases concern the receiving of such property in pledge.

When I was a very young man I had the management of some large works, in which the rolling of copper was carried on. A boy employed in the works was detected in carrying off a heavy piece of copper, secreted under his clothes. Upon being questioned, he stated that a man, who knew where he worked, had incited him to steal the copper, and promised him twopence per pound for what he should bring. Now this copper was worth tenpence per pound, even to remelt, and it was in an unfinished stage of manufacture, in which state it is not an article of sale. Impressed with the importance of detecting the tempter of the boy, and finding the boy—in the hope of getting his own punishment mitigated—willing to carry the copper straightway to the receiver, as he would have done had the theft remained undiscovered, I requested the chief of the police (of the place) to send a detective to follow the youth, and to secure the man so soon as he should have purchased and taken possession of the copper. This, however, the constable refused to do, because he happened to know that, since the control of the copper had been temporarily recovered, the law would hold that the character of stolen goods no longer attached to it, and hence that an indictment for receiving stolen goods could not be sustained. So that this man, notwithstanding his having incited the theft, and (obviously under the belief that the copper was stolen property having bought it at a fifth part of its value, and while in an unfit state for sale), would have been enabled to escape with impunity by virtue of an idle technicality which did not diminish his guilt by one iota.

No. 2.—A dock labourer, not long ago, was detected in carrying off five pounds of white coffee beans in his stockings, taken from a pile from which a large quantity had been stolen within a few days. In a conversation (after the event) with one of the city judges, I suggested that, as the man no doubt intended to sell the beans, the police, instead of taking possession of them, might, by promising to intercede for the man, have induced him to carry the beans to the receiver, whereby to effect his detection. But the judge shook his head, and told me that, although the police might not have actually

touched the beans, the law would hold that they had virtually recovered possession of them for the owners, and that hence the character of stolen goods would no longer attach to them. Now had the police, in ignorance of this legal refinement, and anxious to break up the trade of the receiver hit upon the plan just mentioned, and sent the thief straightway to the receiver, and had the receiver bought the coffee beans for, perchance, less than a quarter of their value, he also seeing that the man was but a labourer, and that he had concealed the beans in his clothes, in short, had he bought them under circumstances every one of which went to prove that the property must have been stolen, the law, so soon as it should have got sight of the fortuitous interference of the police—of which the receiver could have known nothing—would refuse to hold him as otherwise than an innocent man. 'Our law has, by some lawyers, been called the perfection of human reason, but if this were a fair sample of it, it would better deserve to be called the extreme of legislative absurdity. Surely the object of the criminal law is to protect the honest against the operations of the dishonest; but it becomes a mockery when its spirit can be thus defeated ignominiously by a mere quibble raised upon its letter.

No. 3.—Amelia Collins, a charwoman employed at the offices, 155, Fenchurch Street, London, was detected with twenty-two pawn-tickets in her possession, for coats, boots, umbrellas, &c., including two sample pairs of ladies' boots, quite new, and bearing private trade marks conspicuous on the heels; and these being worth 1*l.* 12*s.* were pledged for 10*s.* Their owner said truly that there could be no protection to trade if pawnbrokers were allowed thus to take from a woman of the prisoner's appearance new goods with the trade marks upon them. The prisoner was punished, but not so the pawnbrokers.

No. 4.—Ellen Davey, convicted of pledging eleven unfinished hammocks, the property of Messrs. Murray & Paterson, Government contractors. The pawnbroker was not charged with the heavier offence of receiving stolen goods, but was called to account for the lighter offences of taking in unfinished work, and neglecting to insert the pawner's address in the duplicates.

No. 5.—Two women were sentenced for robberies at railway stations, many pawn-tickets being found upon them. It was remarked in court that "the readiness with which passengers' luggage can be pawned is lamentable."

No. 6.—Thieves who had stolen and pledged many trinkets, and other articles, also pledged for 6*s.* a timepiece of remarkable appearance, which had cost the owner 3*l.* 10*s.* and the pawnbroker had received a printed police notice with a description of the timepiece only two days before he took it in. The magistrate commented severely upon the transaction, but what cared the pawnbroker for that, since he merely lost his 6*s.*

No. 7.—At Lambeth, Alfred Amenta, a young man, was finally examined upon a charge of having in his possession a quantity of

property supposed to have been stolen, also sixty-two pawn tickets relating to other property, the proceeds of robbery, indicating sixty-two breaches of the law, against receiving stolen goods without punishment.

No. 8.—A case was related in the newspapers of a gold ring with valuable jewels having been accepted in pledge from a valet (who had stolen it) by the assistant of an eminent pawnbroker, who advanced, I think, 12*l.* upon it. Now, by law, the ring ought to have been kept intact for twelve months, instead of which, according to the account, the stones were taken out and sold for some 40*l.* within forty-eight hours, yielding the enormous profit of 28*l.* besides the value of the ring itself, and proving that the pawnbroker reckoned absolutely upon the non-reclamation of the ring; leaving it scarcely to be doubted that he had a shrewd guess how the property was obtained, for surely no honest owner would have been willing to part with it for a sum so greatly below its value. In this case, as in the other cases of pawning, no proceedings were taken against the pawnbroker. Indeed under the existing law the difficulties are such that, although I have ascertained it to be the opinion of some of the most eminent magistrates in London, that a very large portion of the non-monetary property stolen in London—perhaps even a major portion—goes into the hands of the pawnbrokers, the conviction of a pawnbroker for receiving stolen goods is a thing, I believe, quite unheard of. This, I think, must have arisen from the circumstance that, whilst against a buyer of stolen property the insufficiency of the price given for it is strong evidence of a guilty knowledge, the smallness of a loan proves but little, because the borrower might not have required more, and therefore chose not to incur a greater charge for interest. And in justice to the pawnbroker it must be remembered that the asking for a small sum on loan would not of itself put him upon his guard, as the asking for an unduly small price would, or ought to do a purchaser. From this it appears that even were the law made effectual against the buyers of stolen property, it might still remain ineffectual against the lenders of money upon it.

I shall now consider what means we have of dealing vigorously with both forms of the booty traffic. Except from the gradual improvement in knowledge and respect for the rights of others which we hope for as the result of the greater attention about to be paid to education, that of the poorer classes especially, the only forces available for the purpose in view that I know of, are:—

(1.) Improved legislation.

(2.) The giving a better direction to the exertions of the police.

(3.) Public opinion.

The change in the law which I have to suggest, and which alone (in my mind) can make it strong enough and searching enough to deal effectually with the guilty traffickers in stolen property, is that of making the intent to commit a crime, coupled with the efforts adapted to carry out such intent, sufficient, if fully proved, to

warrant the conviction and punishment of the accused party, whether he had succeeded in effecting his purpose or not. Our law holds that the guilty intention is the essence of the crime, and if it be shown that a person holding a criminal intention has done his best to carry it into effect, how can the interference of some fortuitous circumstance that frustrates his efforts, or some nice quibble as to the legal definition of the crime, in any way lessen his guilt, or make him the less an enemy to the community, whose safety demands that his career shall be arrested?

If this principle were adopted of making the criminal intention, coupled with determined efforts to carry it into effect, legally equivalent to the completed crime (excluding capital punishment where the crime fell short of completion), a force and efficiency would be given to our criminal law which it now sadly wants; and we should be spared witnessing those frequent and scandalous failures of the law, by which the safety of the community is imperilled, and the law itself brought to shame and disgrace.

In drawing the clauses of an Act embodying this principle, it would be important to use words comprehensive enough to include those traffickers who, being utterly indifferent whether goods offered to them for sale or pledge had been stolen or not, could scarcely be held to "well know" that they were stolen goods.

Although the probable mode in which a law, embodying the suggested principle, would operate to stop the receiving of stolen goods in pledge, namely, the setting of snares, could not but be distasteful to all right-minded persons, it would seem that, unless we are willing to let the evil continue unchecked, we must needs resort to it, overcoming our repugnance as best we can; for now the law is little else than a dead letter; and, so far as I am aware, no other plan of giving it life and strength to fulfil its purpose has ever been suggested.

All who read the police reports must know that when letter-stealing in the post-offices is found to be going on, the plan adopted for the detection of the thief is to make up a "test letter" containing money or other articles of value, and so direct it that it shall pass through the hands of the suspected individual, who, if the letter is stopped on its way, is immediately searched, and in most cases found to have the letter or its contents in his possession. Analogous means are used in detecting suspected barmen and shopmen, when there are signs of wrong going on. Coin is marked, and an agent is employed to make a purchase with it from the suspected individual, who if the marked coin does not reach the till, is at once challenged with the theft. And by this use of the test letters and the marked coins, dishonesty, that could otherwise hardly be detected, is constantly being brought to light. The means are repulsive, but when it is asked what other effectual means can be found, the answer cometh not. The evil is a gigantic one, and if left unchecked it is sure to increase; but if it be keenly hunted down and the guilty parties brought to speedy and appropriate

punishment, we may hope that it will soon be all but extirpated; in which case these distasteful means of detection may be almost wholly laid aside.

I have said "appropriate punishment." Punishment should, whenever practicable, consist of some ill-consequence to the culprit naturally growing out of the crime, as a known liar finds that he cannot get believed even when speaking the truth. When a pawnbroker, or any trader acting under a licence, persists in breaking the law, whether by receiving goods *primâ facie* stolen, or otherwise, what so proper as to take away his licence? For why should he be any longer suffered to carry on a trade which he cannot, or will not, conduct in a lawful manner, so as to avoid inciting either young or old to plunder his neighbours.

Having had some experience of the great unwillingness of the Legislature to adopt energetic measures for checking crime at its sources, I cannot hope for the speedy passing of a law competent to the practical suppression of the booty-market; it is, therefore, well to consider what can be done under the existing law, or with such small improvements therein as we may further obtain as time goes on. I have more than once suggested the formation, in the police establishments of our large towns, of a special department, consisting of a few active men of rare sagacity—well paid, of course—to devote themselves entirely to the detection of those whom I have termed the "criminal capitalists," namely, they who find residences for the criminals, and they who cash their booty; whereby to enable the police authorities to bring the law, such as it is, to bear upon them whenever practicable. Such department to keep a register of all houses wherein thieves are suffered to reside or to congregate; and those also, in respect of which it is believed that stolen goods are taken in, whether on purchase or in pledge; and to take care that a constant watch shall be kept on such places; also from time to time to communicate with the chief proprietors of such houses, and if need be, to remonstrate with them upon the wrongfulness of suffering their property to be used for such purposes, and pointing out that the rents their tenants pay them can have had no other source than the plunder of their neighbours; also calling their attention to the very slight difference there is between receiving the known produce of stolen goods, and receiving the goods themselves.

Lastly, in order to bring the force of public opinion to bear, I think the register of these houses, together with the names of their owners and occupiers, and a short statement of the grounds of suspicion attaching to each, should from time to time be laid before the magistrates of the district, and, so far as they might think fit, be made public.

In conclusion, I will venture to say a few words regarding the feeling that I suppose we all entertain unconsciously, that to increase the stringency of the criminal law and the energy of its administration, although advantageous to the honest portion of the community, is an act of hostility towards the criminal class. But this

implies the opinion that it is a disadvantage to the criminal to compel him to abandon his criminal courses, an opinion that but few would advisedly maintain. At all events improved legislation, so far as it shall have the effect of removing temptations and destroying the facilities for the commission of crime, must surely be regarded as the truest charity towards those in whose path such temptations would otherwise lie; and as regards the numerous helpless infants —the offspring of criminals—who are born and brought up so surrounded by evil of all kinds that their escape from bad courses would be miraculous,—legislation, that should in the end destroy these evil surroundings, and thereby rescue these hapless children from the sad fate awaiting them, would be an infinite charity to them, although to us but the discharge of an imperative duty. From a calculation that I made some years ago I came to the startling conclusion that to make good the great waste of life that occurs in the criminal classes—even after allowing in the calculation for those who join the criminal ranks although not born thereto—requires the birth amongst us of seven such infants day by day, or upwards of 2500 in each year. To strengthen the case further would seem next to impossible.

On the Same. By GEORGE ATTENBOROUGH.

I CANNOT but feel that in reading a paper upon this important subject, I have taken upon myself a most responsible duty, but I trust my efforts may prove beneficial. I know that the statements and propositions I have to make will be made to ladies and gentlemen desirous of ascertaining truth, and who are well capable of discriminating between facts and theories, and I desire that it should be understood that in giving direct contradiction to many preconceived and generally entertained opinions as to what becomes of stolen property, I shall only state that which I have personally seen or am prepared to prove by the testimony and books of persons of the highest respectability, whose evidence would be deemed conclusive in any court of law, and will therefore, I am sure, be accepted here.

The question appears to me to divide itself, and may be best discussed under three heads, namely:—

(1.) Where the great bulk of stolen property is not disposed of.
(2.) Where it is disposed of.
(3.) The remedy for the evil.

I am aware that the popular idea, and probably the one held by a large proportion of those whom I have the honour to address, is that the major part of the chattel property stolen finds its way to pawnbrokers, and is received by them, if not with an actual guilty know-

ledge, at least with an amount of careless readiness that is morally as mischievous in its results. To this theory I am enabled from an experience of more than forty years as a pawnbroker, for some time with three establishments, and for the last nine years as Hon. Secretary to the Metropolitan Pawnbrokers' Protection Society, to give a most unqualified denial. I can state further that the stolen chattels taken in pledge by pawnbrokers are positively infinitesimal in proportion to the quantity stolen. A very large proportion are stolen by persons who, from a childhood of street arab life, have been initiated into all the arts and mysteries of the burglar and other professional criminals; and during the whole of my experience I have never known a London burglar to pledge stolen property, or a pawnbroker to have to appear as evidence against him. The thief's anxiety is to obtain a safer market, one in which his unlawful possessions will be at once melted into ingots, or otherwise transformed so that they can be readily sold.

It is true that domestic servants, shopmen, swindlers, and amateur thieves do sometimes resort to the pawnbroker; it is, however, a singular fact that such persons almost always keep by them the duplicates which pawnbrokers invariably give to pawnors, and that those duplicates form in many cases the only conclusive proof against the thief, and lead to the discovery of the property and its restoration; but as pawnbrokers not unfrequently have to appear as witnesses against such persons, that circumstance has been accepted by the public as proof that they are constantly dealing with improper characters and receiving stolen property from them, whereas it should rather be regarded as evidence that dealing with a pawnbroker is dangerous to a dishonest person, and is likely, not only to insure his detection, but to furnish the strongest possible proof of his guilt.

I have taken some trouble to ascertain how often pawnbrokers have to appear as witnesses against dishonest persons in proportion to the number of pledges annually received. There are in the London metropolian district and suburbs—including Woolwich and Wandsworth, two outlying districts—thirteen police courts, and assuming (what I believe to be greatly in excess of the fact) that each court has in it every day one new case in which a pawnbroker is concerned, that will give 4056 cases annually. I find that the number of duplicates printed for London pawnbrokers in each year exceeds 30,000,000, and presuming that 4056 of these 30,000,000 pledges were for stolen property, the result will be one in 7396. Also that if the 470 pawnbrokers of London have annually among them 4056 police cases, it gives but 8½ to each, a number quite inconsistent with charges of guilty knowledge or culpable carelessness when it is borne in mind that 30,000,000 gives annually to each pawnbroker an average of 63,829 pledges. Further, a not insignificant portion of these cases are initiated by the pawnbroker himself giving the first intimation of his suspicions to the police, a fact which is but rarely mentioned at the trial, but is included in the one universal statement of the police force, "from information that I

received," a statement from which some very curious deductions might be drawn if inquired into.

It has, however, been asserted that a large proportion of the stolen property pledged with pawnbrokers is not discovered, and that they derive a large profit from the same when forfeited. My answer to this unwarranted and purely theoretical assumption is, that every pawnbroker knows perfectly well that a fraction over 95 per cent. of all the pledges he receives are redeemed, and consequently are free from suspicion; and that, of the 5 per cent. unredeemed, he has personal knowledge of the owners of at least 3 per cent.; and it is surely unfair to conclude that if he has no knowledge of the parties pledging the remaining 2 per cent. they are therefore necessarily stolen property. From a return I procured officially five years since from 138 members of the London Pawnbrokers' Protection Society, after application to the 200 members thereof in reference to this subject, I found that some of them had not had occasion to appear in a police court for several years, and that the average number of pledges given up to the owners by the 132 pawnbrokers was less than 1 in 12,000; while I venture to affirm that no pawnbroker would deny that stolen property was in his possession if he knew to the contrary. Criminal charges against pawnbrokers are certainly quite as rare as against any other trade or profession, and it is an important fact that for more than thirty years only one London master pawnbroker has been charged with any criminal offence of any kind whatever, and that the case against that one was stopped by the Recorder of London, before whom it was about to be tried, there being, as he stated, no evidence whatever against the defendant.* Nor is it unimportant to observe upon the commercial position which a pawnbroker holds, and which he would imperil by participation in the profits of crime. Few pawnbrokers employ in their business less capital than 2000*l.*, many as much as 10,000*l.*, some 20,000*l.*, and even more than 30,000*l.*, so that it must be admitted that a pawnbroker has a commercial position of importance to himself and family. If it is said that the evils attributed to the pawnbrokers with regard to stolen property arise from carelessness, my reply is, that pawnbrokers are unable to do at a brief interview, and without evidence of any kind, that which it frequently puzzles both judges and juries to do with the aid of witnesses, namely, to decide between guilt and innocence; and further, the ingenuity which was practised in the act of dishonesty is in its turn practised upon the pawnbroker when he is made the medium for disposing of the stolen property. Commercial principles would also induce a pawnbroker to avoid stolen property to the very utmost of his power; for my own experience, which I believe to be not in the least singular, convinces me that of all the stolen property which is inadvertently received in

* On a subsequent prosecution of the police constable for perjury in this case, he was committed for trial, but absconded from his bail, and has not since been apprehended.

pledge by my assistants, considerably more than half has to be returned to the owners without payment of the sum lent thereon. I conclude, therefore, that no pawnbroker would be so blind to his own interest as to accept stolen property in pledge if he had any suspicion whatever of its character as such.

If it be objected that my remarks apply exclusively to pawnbroking as carried on in the metropolis, I reply that I have endeavoured as far as possible to confine myself to matters which have arisen under my personal observation; but from an intimate knowledge and a large official correspondence with many provincial pawnbrokers, I have reason to believe that my remarks are applicable to the business throughout the United Kingdom.

The question where the bulk of stolen articles are disposed of is so important, and involves such serious statements in reference to certain trades, that I should shrink from entering upon it but from my knowledge that the members of this Association are desirous of ascertaining truth, however repulsive, and applying the remedy, however difficult.

I place, then, first upon the list a number of receiving houses known as "Fences," which exist in London and every large town. The existence of these places is well known to the police, but the latter are unable to deal with them unless some specified act of receiving can be proved, which is exceedingly difficult, as the business is carried on under some other guise, not unfrequently as a low beer-house, for instance, so that the passing in and out of bad characters causes no remark. In these houses the means of identifying property are speedily destroyed, and all hope of tracing it is lost. A more summary mode of dealing with these parties is requisite, and will be suggested before I close.

A very large portion of the least valuable stolen property is unquestionably received by what are known in England as dolly or leaving shops, and in Scotland as wee pawns. The parties who carry on this business purchase goods from whoever brings them, upon an implied understanding that they may be re-purchased by the owners within a given time, probably a month, but more frequently a week. No duplicate or other memorandum of the transaction is given to the person depositing; no books are kept; and the entire business is so utterly opposed to fair commercial principles, and so contrary to the law, that the apathy of magistrates and police in reference to it is greatly to be regretted. Such houses are very numerous; the business is carried on openly every day in the week, including Sundays. An Act passed the Legislature a few years since having special reference to these houses, but it has become a dead letter, being, I suppose, too impracticable to suppress the evil.

The most painful part of this subject is, however, the easy and unsatisfactory manner in which goods of every kind are purchased by tradesmen of the highest respectability, who would shrink from knowingly doing any act in which dishonesty can be involved; and yet I

venture to state, that, armed with a few gentlemen's or ladies' cards, a well got up exterior, and a fair amount of assurance, a person could in a few hours easily dispose of the contents of the library, the plate chest or jewel case, or any or all of the clothing or other personal effects of any person in this room, to shopkeepers who would not have the smallest suspicion that the parties became improperly possessed of the goods.

A gentleman walking through the streets of London, and doubtless in all other large towns, will frequently see in windows such announcements as "Libraries and parcels of books purchased," "Old gold and silver bought," "Wardrobes purchased," &c., and should he test, by the offer of goods for sale, any of these houses, many of which are kept by most honest and respectable people, he will soon have palpable proof of how little care is exercised in the purchase of property, and how easily goods improperly obtained may be passed off to careless but otherwise innocent holders. The goods are, of course, soon disposed of or converted into more negotiable condition, whereby the identity is destroyed; and the fact that some of these parties seldom or never appear as witnesses in cases of felony, while pawnbrokers have not unfrequently to do so, is easily explained, as in one case a memorandum of the transaction is given to the pawnor which he frequently retains, and the property is kept intact for months by the pawnbroker, while in the other case no memorandum is given to the vendor or made by the purchaser, and all evidence of the transaction is speedily obliterated.

It is, however, quite unnecessary for either the owners of property or their servants to leave their houses to dispose of property of any kind, or to submit to answer unpleasant interrogatories as to whether they are in legal possession of that property or not, as facilities for its speedy disposal are brought daily both to the breakfast room and the servants' hall. I hold in my hand forty-four advertisements cut from the *Times* of the 11th ult., in which parties are informed that goods of every imaginable description are purchased for cash, and that "letters are attended to." It is probably presumed that this polite intimation is sufficient for the upper ten thousand, but from a less aristocratic paper I have advertisements which state that the advertisers give the highest price for "Ladies' and gentlemen's wearing apparel, regimentals, uniforms, officers' outfits, Indian goods, books, plate, jewellery, trinkets, old china, miscellaneous property, &c.," and "Money orders or cheques by return for country parcels." These advertisements appear almost daily, and are sufficiently expansive to include every article in a gentleman's establishment, but to my judgment would be somewhat more honest and truthful with an additional paragraph to the effect that no questions of an inquisitive or unpleasant character would be asked. To test this I sent, during last month, in an assumed name and from a remote district in Wales, five parcels to five of these advertisers, accompanied by a letter to each asking for a remittance. The parcels were purposely done up in dirty old paper and the letters

written to correspond, so that they might appear as suspicious as possible. The plate was engraven with various initials and crests. In course of post I received remittances without a single question. I give the result below, premising only that what is called the cost price is the amount which I should readily lend at the present time on the articles enumerated.

	Cost. £ s. d.	Cash sent. £ s. d.
No. 1.—Silver plate, 14 oz. 5 dwts.	3 11 9	... 3 6 6
No. 2.—1 coat, 3*s.*, 2 vests, 5*s.* 6*d.*, 1 pair trousers, 5*s.*, 2 dresses, 12*s.*, silver plate, 8 oz. 5 dwts., 45*s.* 6*d.*	3 11 0	... 2 5 0
No. 3.—1 coat, 8*s.*, 2 vests, 6*s.*, 1 pair trousers, 8*s.*, 3 dresses, 21*s.* 6*d.*	2 3 6	... 0 18 6
No. 4.—2 coats, 10*s.*, 3 vests, 8*s.* 6*d.*, 1 pair trousers, 4*s.*	1 2 6	... 0 15 0
No. 5.—2 coats, 11*s.*, 2 vests, 5*s.*, 1 dress 7*s.*, silver plate 4 oz., 20*s.*	2 3 0	... 1 5 0
They cost me ...	£12 11 9	
Total amount received ...		... £8 10 0

The parcel No. 1 was sent to a highly respectable silversmith, who forwarded by return a fair trade price for the goods, but the prices paid by the other four, who received goods of the total value (as pledges) of 9*l.*, were no less than 3*l.* 17*s.* below what a pawnbroker would willingly have advanced, a rate of profit quite sufficient, not only to tempt the cupidity of not over scrupulous persons, but to pay for costly advertisements, to which it is more than time that the attention of the police was directed. None of these parties had, or have, the smallest knowledge of the person they were corresponding with, and I leave the members of this Congress to form their own opinion of how far such a system is likely to conduce to reducing the contents of their libraries, plate chests, or wardrobes.

Some years since business called me into the back or melting room of a London refiner, since deceased, and while there I was struck with the fact that (apparently in the usual course of business) crucibles at a white heat were in the furnaces, ready for any old metal that the next visitor might bring. Persons came into that room as freely as though it were a common room in a tavern, and took from their pockets or bags either gold jewellery, or silver plate, as the case might be, and placed them in the respective crucibles, where they were speedily reduced to ingots, and purchased by the refiner, who evidently had no knowledge, and apparently no desire to have, what articles of plate, jewellery, or watch cases, the ingots he purchased had previously composed. Again, I leave the members of the Congress to form their own opinion, simply stating that the proprietor of this business was an illiterate man, who began life with a very small amount and died worth over 80,000*l.* Let it be understood that I make no charge against refiners, or any other body of tradesmen, nor am I in a position to state that the practice above described is carried on at the present time; but it cannot be denied that large quantities of manufactured precious metals, the produce of skilfully contrived burglaries, are continually purchased and broken up or

melted by receivers, so that it is not without inquiry or scruple unfair to ask how, and where, the ingots so acquired are disposed of.

In considering the remedy for the evils involved in the reception of stolen property by any persons whatever, whether wilfully or by want of due care, I must necessarily leave the regions of fact for those of opinion, but I hope to be able to shadow out a mode by which they may be greatly mitigated, if not altogether eradicated.

A call has been made for some years for the appointment of a public prosecutor; and though not disposed to discuss the question whether such an officer is needed for prosecutions generally, I am strongly of opinion that in all matters relating to prosecutions for the guilty reception of stolen property, a public prosecutor would be a serious check upon either the wilful or careless reception of such property. With regard to persons keeping houses where the police have reason to believe that stolen goods are systematically dealt with, the public prosecutor should, upon evidence being placed before him on the oath of not less than two credible persons, be at liberty to issue his warrant for searching the premises, and, if needful, he should prosecute the parties carrying on such business, and the possession of goods proved to be part of the produce of not less than three robberies should be held to be evidence of guilty knowledge, casting upon the accused the burden of establishing his innocence. There should be one such prosecutor for each police district. He should be a barrister or solicitor appointed by the Home Secretary, and paid a fixed salary from the county rates, without any fee or emolument derivable from individual prosecutions. It may also be a question whether it would not be well to cast upon him the duty of vetoing, or if need be, of prosecuting, the authors of any advertisements which may be classed with provocatives to crime.

Dealers in second-hand or job goods of any kind whatever should, in my opinion, be compelled to take out annual licenses at a cost not exceeding 1*s.* each, and procurable at any money order post office in the United Kingdom, such license to be in the form of a railway season ticket, and to have printed thereon the special duties and liabilities involved by its possession. Upon the purchase or taking in exchange of any goods of second-hand or job character from any unlicensed person he should be compelled by law to enter in proper books all such goods, together with the name and address of the seller and the sum paid, and within twenty-four hours of the purchase should send notice to the police station that he had purchased certain goods and that they were kept intact for inspection, such letter of notice, if sent by the post, not being liable to postage. The property should be inspected by the police within twenty-four hours of receipt of such notice and if they had reasonable ground to believe that the goods were part of the proceeds of a robbery, they should procure from the public prosecutor an order upon the purchaser to hold the goods intact for fourteen days and to furnish them with the name and address of the person from whom the goods had been purchased. In case no discovery should be made by the police

during the fourteen days that the property was the proceeds of a robbery, the dealer should be at liberty to treat the same in any way he thought proper; but if, while in his possession, or in that of any other person, an owner should be discovered for such goods, he should have power to reclaim them upon payment of the amount originally given by the first dealer, who should refund to the subsequent dealer any excess or profit charged to him upon the transaction.

I would further suggest that all licensed dealers and pawnbrokers through whose information robberies are discovered and the thieves prosecuted be paid not less than 10*s.* 6*d.* per day, or any part thereof, for their attendance at police courts and on the trial of the prisoners; and that, by some arrangement, the loss of time should be reduced as much as possible from the grievous waste which at present makes the prosecution of a criminal something frightful to contemplate; while the wretched dole of 2*s.* per day is more of a mockery than a compensation.

I also believe that it is highly desirable that persons placing property, or the parties offering it for sale or pledge, in the hands of the police for investigation, ought to be protected from civil actions in such cases, unless actual *mala fides* can be proved against them. I suggest this, as at the present time any dealer or pawnbroker is expected by the public not only to act as an amateur detective, but to do so entirely at his own risk. Actions against pawnbrokers in such cases are but too common, and as they are almost invariably brought by persons unable to pay costs, the pawnbroker knows that he must in any case suffer; and is therefore glad to compromise the case, much to the gratification of unscrupulous attorneys, who but too readily lend themselves to such actions.

I am also of opinion that the law by which an owner can claim back stolen property should be amended, and that either a jury or a public prosecutor should be arbitrators in such cases; and that if the property has been lost either through the owner's vice or gross carelessness, the amount given or lent thereon should be repaid to the innocent holder. The present state of the law in this respect frequently presses most unjustly upon innocent holders of stolen property, and cannot be other than a strong inducement to them to withhold information respecting it, as that information is almost certain to transfer the loss occasioned by another person's vice, carelessness, or misfortune to themselves. A short time since a pawnbroker lent 2*l.* 10*s.* upon a watch, and finding by the police list of the following day that it had been stolen, gave information to the police, who, from that information arrested two females who had accompanied the owner to a house of bad repute. They stated that the prosecutor had given them the watch to raise money upon; and the magistrate believing this statement, discharged them, but ordered the pawnbroker to give the prosecutor the watch without payment of the money advanced, thus making him provide the means for the gratification of an immoral person's bad propensities. Cases almost

equally unjust, although quite legal, are of frequent occurrence, and could be multiplied far beyond the limits permitted by the rules of this Congress.

My conclusions upon the subject under discussion are twofold, namely :—

(1.) That if all pawnbrokers' shops were forthwith closed by law, there would be no diminution in crime, but that cases of detection, conviction, and restoration of property, would diminish in a very perceptible manner.

(2.) That without any special reference to pawnbrokers, legislation is needful, and to be effective in working should be as simple as possible in details.

I fear that I have not only somewhat transgressed the ordinary limit of time allowed for the reading of a paper, but have also in some degree tried your patience, for which forgive me. My object has not been to show that pawnbrokers are either wiser or more honest than other tradesmen. They are human and therefore imperfect, and as liable as others to be deceived by dishonest and designing persons, and all I ask for them is, that they should not be judged by traditional theories or popular prejudices, but from facts, and with the same measure of Christian charity which is cheerfully accorded to every other profession or trade, when one or more of their number commits an error or even a crime. If I have succeeded in this, and in directing your attention to some effectual means by which the ready disposal of stolen property can be suppressed, I shall have an abundant reward.

DISCUSSION.

Mr. Serjeant Cox said all would feel extremely indebted to Mr. Attenborough, who had undoubtedly removed very strong prejudices that prevailed, even in the minds of the judges, with respect to the connection of pawnbrokers with the receipt of stolen goods. He was at first very much startled by Mr. Attenborough's statement about the fewness of such receipts by pawnbrokers from professional thieves, but as he reflected, carrying back his memory to his own experience, he thought he could confirm Mr. Attenborough's statement. It was true, as that gentleman stated, that in nineteen cases out of twenty, at least where the thieves were professional thieves, the property was not traced, but it was usually traced in the cases of servants and other persons who did not make crime a business, but who were tempted to commit crime for the purpose of some temporary gratification. He could also confirm Mr. Attenborough in this, that it very rarely happened, out of the multitude of cases which came before the courts, that the judges had any reason for reproving a pawnbroker. He did not think it had occurred above three times in the course of his whole experience, and it was his duty to try about 1500 prisoners every year. He could not recall above two or three instances in which he had had occasion to tell a pawnbroker that he had behaved improperly. The difficulties were immensely greater than the public supposed in dealing with transactions of this kind, because pawnbrokers could not tell when a person walked into their shops from his personal appearance whether he was a thief or labourer who was pawning goods in a legitimate manner. They could only form their judgment from the nature of the article offered to them. It was perfectly true that articles taken to pawnbrokers as a general rule

were frequently such as persons in the class of life of labourers were likely to pawn; more valuable articles were disposed of in some other way. He had found that the great mass of receivers were not pawnbrokers, but a class of men known as marine store dealers, who formed the larger portion of the receivers in London; and another class of men who were neither marine store dealers nor pawnbrokers, nor recognised by the law in any way, carried on an ostensibly respectable business in order to cloak what was in reality their occupation of receivers of stolen goods from servants and other persons. How were such persons to be dealt with? Mr. Attenborough had completely disposed of the question as to what could be done with the pawnbrokers. He thought it would be difficult to do more than to rely on the character of the pawnbrokers themselves, and the general conduct of their business was substantially in very good hands. With respect to other classes of dealers, marine store dealers more particularly, the law had twice attempted to deal with them. It required that they should not buy metal, which was one of the favourite objects of theft, except under a certain weight; that they should not buy of persons under a certain age, and that they should only deal within certain hours of the day. It also required that they should keep a list of all their dealings, containing the names and addresses of the persons from whom they bought their goods. If this law were strictly observed there would be undoubtedly a great check upon crime. Of course it was not to be expected that the addresses given would be of any value, for no person, pawning stolen goods, would give his real name or address, but the use of the registry would show that the dealer had bought certain things at a certain time for a certain price; such information would be of great value to the police, and the law ought to be extremely particular in enforcing all its requirements. But, as a matter of fact, the law was not enforced. It rarely happened when a case in which a marine store dealer was concerned came before the court that the dealer had fulfilled all that was required of him—that he had either bought at the proper time or kept a registry. For such neglect there was no remedy; as the dealers could not be punished the judges could only reprove them. What he would like to do would be to make marine store dealers, if they failed to observe the requirements of the law, by express enactments—responsible for the possession of stolen goods—to throw upon them the burden of proof that they had not obtained the goods dishonestly. That would be one check upon them. He now came to another question—how to check the receipt of goods by small tradesmen, and that other class of persons who carried on no trade at all but that of receiving stolen property, such people as the well-known receiving-house keepers in London. Many of their houses were apparently inns, public-houses, or shops, situated in quiet or obscure places, in, or at the end of alleys, for instance. He took it that the most valuable articles were sent to those places. Mr. Attenborough pointed to advertisements in the newspapers which were a great temptation to persons in the country, particularly to servants who wanted money, and were able to get it by sending off in a safe way to London articles within their reach and getting back money in return. But that did not affect the receiver. What was wanted was to find how to get hold of him. If we could suggest any means by which that could be achieved, one defect of the law would be remedied. He thought the only way in which we could effectually hit the receivers would be by offering some inducement to thieves to "split" upon them. If we could make every receiver feel when he was dealing with a thief, that he did not know but that the thief might tell of him, we should injure that receiver's security, and make him suspicious of dealing with thieves at all. Would it not be possible to hold out a strong inducement to attain that end, so that the receiver would be punished instead of the thief? The receiver was in fact the criminal. It was an old saying, but none the less true, that if there were no receivers there would be no thieves, or very few. It was the receiver that made the thief, and therefore the receiver was the worse. When he had to sentence both for a crime he always gave the receiver exactly double the punishment he gave to the thief. If a thief gave the police information of the receiver he would gladly let him go scot free, if, by so doing, he could only hit the receiver. He thought something of that sort might be done, for in dealing with crime, the best preventive was to make criminals afraid of one another. As long as they had confidence in one another, they would go on committing crimes, but if

that confidence, as between thieves and receivers, was destroyed, the bond of union would be loosened. It was, therefore, most important to offer inducements to criminals to do this. An objection made to his view two years ago was, that the evidence of a thief was inadmissible; juries would look upon him with suspicion, and perhaps would not believe him. But a little more credit should be given to the statements of prisoners, great care of course being taken to test their evidence by facts, and by the probabilities of the case. He feared that a great many of Mr. Attenborough's proposals would be difficult to be carried into operation. He very much doubted whether police supervision, or the appointment of a public prosecutor, would get over the one great task of obtaining proof. What we wanted was, to obtain evidence of fact. The present law would enable us pretty well to punish, if the facts could be proved, but the difficulty was to obtain proof that such and such men actually did receive goods with a guilty knowledge. A great advance had been made by the Habitual Criminals Act, now confirmed by the Prevention of Crime Act, in throwing upon the receiver the burden of proof that the possession of stolen goods was an honest one, if that receiver had been previously convicted, and warned that that prior conviction would be used against him. He could not conceive why that should not be the rule in all cases. Why should we not throw upon a man who was found in the possession of stolen goods the burden of proof that he had obtained them honestly? Our law was founded on an excellent principle, that a man should be presumed to be innocent until he was proved to be guilty, and that the burden of proof of guilt should fall on the prosecution. That might be right where there was no strong fact telling against a man, but when he was found with stolen goods in his possession, surely there would be no wrong done to him, and undoubtedly a great good would be done to society, by calling upon him to clear himself, and show how he had come by the goods, and, if he could not do so, he must take the consequences of such conduct, on the assumption that he had received them guiltily. Mr. Attenborough had made one great addition to our knowledge, which would be of much practical benefit—that, as a rule, if stolen goods were pawned, the persons who pledged them were not professional but accidental thieves. This would be an excellent test whether a man was a professional thief or not, and in future he should use it, and if he found a case where stolen property had been pledged, it would carry to his mind a strong conviction that the prisoner was not a professional but an accidental thief. The whole paper teemed with knowledge and instruction which might be made the foundation of considerably improved legislation.

Mr. William Pare (London) said: We know that without the criminal capitalist the criminal labourer would not exist, and that the thief must have a home to begin with. Now why should landlords be permitted to let their houses knowingly to thieves? He spoke with personal knowledge when he said that there were many landlords in London, and he had no doubt there were in other large towns, who let houses to thieves and gained higher rents from them, than they would from other people. That was a state of things that ought not to be. Every landlord was bound to inquire into the character of his tenant; and if he knowingly let a house to a thief he ought to be responsible to the law for so doing. There could be no doubt that many criminals got off through most absurd technicalities, which ought to be removed. One important suggestion made by Mr. Hill was, that guilty intention, coupled with proved steps to carry out that intention, ought to constitute a crime, and be punished as such. The principle of the test letter ought to be carried out for the purpose of detecting the receivers of stolen goods, and persons who incited others to steal. What Mr. Attenborough had stated as to advertisements was very important, and something should be done to eliminate, as far as possible, the incentives to commit crime. This subject had been before the Congress for many years, and he held that the time had come when the Council of the Association ought to take it into grave consideration. If he were in order he would move "That the two papers which had been read that day, along with others that had been read on previous occasions before the Association, should be referred to the Council for consideration, and report at the next meeting whether any of the plans which had been suggested might be carried out, and what steps should be taken to induce the Legislature to give them the force of law."

Colonel RATCLIFF (Birmingham) said his experience led him to believe that stolen goods were constantly taken to the pawnbrokers. That was the easiest way of disposing of them. He also found frequently that the most experienced thieves took the goods to pawnbrokers. From facts that had come to his knowledge he concluded that pawnbrokers ought to be under a very strict *regime*. At Malta there was but one pawnbroking establishment, which was in the hands of the Government; and such was the supervision that no stolen goods could be taken there without being detected. Why should not the same plan be adopted in England? He was persuaded that if it were adopted it would effect a considerable diminution in the amount of crime yearly committed. He had had an opportunity of examining the establishment at Valetta, and nothing could be better organized than the system there carried out. As to receiving houses, they might be known to the police, but it was impossible to adjudicate in regard to them without proof. Mr. Serjeant Cox had referred to public-houses. When it was known that such houses were harbouring thieves or receiving stolen goods their licenses were invariably suspended, and since the alteration of the law there had not been the same facility for granting licenses. Therefore, as regarded public-houses, he did not think that there need be any apprehension. It rarely happened that a professional thief would give information which would lead to the detection of others, in order that he might himself have less punishment. It would be a very happy circumstance indeed if we could get thieves, when in custody, to confess what they had done with the stolen goods. Juvenile thieves would sometimes do so. He was of opinion that the police should visit lodging-houses, for it was known that payment was made at times by articles instead of money.

Mr. J. A. TELFER (Liverpool) expressed himself at a loss to understand how a government official, not having the responsibility on his shoulders which a private pawnbroker had, would be a better judge of what was and what was not stolen property. In the paper read that morning there was a statement that in London, for one person punished there were 5000 offences. If he rightly read Mr. Hill's paper of last year, that was founded on the supposition that every known receiver disposed of two articles per week; that the known receivers amounted to something like 4500; and that consequently 450,000 articles were disposed of per annum in London alone. This Mr. Hill described repeatedly as an estimate. He (Mr. Telfer) deprecated any extraordinary value being attached to such estimates, because when calculations were founded upon them they were apt to assume the importance of facts. From the "Judicial Statistics, 1869," he could give one or two facts—not suppositions—which pointed to a different method of dealing with stolen property. It was stated that in the year 1869, in England and Wales, there were 21,917 known thieves, and 29,636 suspected persons. These were probably the persons who perpetrated the largest proportion of the robberies committed. But how many robberies were committed? 450,000? No. The robberies of personal chattels, such as could be easily carried about and disposed of were 51,236. These figures coincided remarkably with the exact number of persons who were described as suspected or known thieves. Our duty, therefore, was to stop thieving as well as the reception of stolen property. He by no means advocated that persons should be allowed to receive stolen property as they pleased and without being punished for so doing; his only object was to point to the other end of the scale which he thought our jurisprudence should attack. Then amongst these 50,000 persons whom he assumed to be destitute of honest means of subsistence, a large number were thieves from necessity, from loss of character, or through the want of actual bodily strength to earn a day's wages; and he thought it was the business of philanthropy and of philanthropical statesmen to find some means of shutting them off from their nefarious occupations.

Captain CARTWRIGHT said that as a pawnbroker enjoyed in his business great advantages, there was no reason why he should not be subject to special regulations, and he did not believe the pawnbrokers, being, as a body, honest and straightforward tradesmen, would object, in return for special advantages, to have such regulations imposed upon them. He agreed with Mr. Serjeant Cox that experienced thieves never took the property they had stolen to pawnbrokers; and, therefore, the law required amending in such a manner as to make it reach the places where the property was disposed of. Those places were known in all the great towns.

They were generally shops or offices kept by apparently respectable persons. These receiving places were not watched by the police, because they thought they had only power to watch the thieves. But if the police had power over such houses they would at once go to the officials of prisons, and others having confidential relations with the prisoners, and thus get information which could be made available, if there were means of following it up.

Mr. HERBERT SAFFORD said it was a great satisfaction to find that there was to a great extent a very large amount of agreement between Mr. Hill and Mr. Attenborough as to the steps which had been taken to prevent the reception of stolen property. Metal dealers were not put under the same restrictions as pawnbrokers were; and metal dealers, he had no hesitation in saying, were the principal causes of juvenile criminality in the metropolis. They were under no restrictions at all. It had occurred to him that if regulations somewhat similar to those applied to pawnbrokers were applied to the metal dealers, and they were bound to register everything they received, and give a receipt to the seller for everything purchased, that course would greatly assist in the prevention of crime. It might be said that the thief would destroy the ticket; but a duplicate might be kept; and if the buyer was under a penal obligation to keep such a duplicate it would always be open to the police to sell property to this person and to give information against him for not keeping duplicates. The marine store dealers' duplicates should also be searched for the purpose of finding stolen property. A schoolmaster who was continually deprived of his pupils through their being taken to the police-station, on becoming acquainted with the Habitual Criminals Act, procured the imprisonment of a marine store dealer who bought a clock weight worth seven farthings for one farthing, from one of the boys, who had been playing with it in school. This incident showed how schoolmasters and fathers might assist the police immensely in checking the sale of metal under one hundredweight at marine store dealers. He believed that before long, notwithstanding the difficulties that lay in the way, a Bill in which were the principal points comprised in the papers of Mr. Attenborough and Mr. Hill would be passed.

Miss HILL said that in speaking of the number of crimes, Mr. Hill did not mean the number of convictions, but the number of thefts committed. The estimate was founded upon them and his long experience, and it was not made at random.

Mr. WHEELHOUSE, M.P., was satisfied that there was, and had been for many years, a most absurd notion in regard to the culpability of pawnbrokers, as a class, in the alleged receipt of stolen property. Generally speaking, not only by Act of Parliament, but on every ground, it was not merely the duty but it became the necessity of a pawnbroker to take care that his business was carried on honestly. He admitted that occasionally pawnbrokers of a low class had received stolen goods, and taken proceedings to cover their crime. As a general proposition—and he spoke with much experience in the manufacturing districts in the north of England—a dishonest pawnbroker was nearly, if not absolutely, impossible. The evil lay with metal dealers and those who were known to be receivers of stolen property, living in the very heart of a town. He saw no reason why men who were known to keep receiving houses should not be put under much more stringent regulations than those the pawnbroker was subject to. He thought there was already an Act which ordered metal and marine store dealers, as they were commonly called, to keep a register of such things as they purchased, but the law did not go far enough because it did not impose a penalty for not keeping such a register. He did not think much good would be done by giving a receipt to the man who had brought stolen goods for sale. He held that some penalty should be imposed on the receiver for not keeping a record of the articles he purchased. In the north of England the marine store dealer was practically without control. It had been asked why a system similar to that in vogue in Valetta could not be introduced into this country, and he saw a good reason why that could not be done. Valetta was a very small place, and the jurisdiction was an extremely limited one. England with all its commercial interests and all its wealth could not be made subject to provisions applicable to a place as small as Valetta. Then, if he mistook not, there were evils connected with the Government institution in France, the *Monte de Piété*, which required a great deal of restriction. The *Monte de Piété* in Lyons, Marseilles, and Paris had been charged with lending its aid to

government for governmental purposes. He could not help thinking that if some course of action were pursued, such as he had indicated, by which pawnbrokers and marine store dealers could be put under fair but not oppressive regulations, the system of pawnbroking, as it was in England, could be carried on much more easily and with far better results than by having central offices such as those in France. It was a very dangerous proposition indeed to sweep away any business whatever under any circumstances, and legislative action in this country must not be called upon to take measures which bordered on the intemperate. It would be erroneous to say that because crime had been detected in particular instances, the pawnbroking trade, or any other trade, should be swept away, and that a new system, unknown, and almost up to this moment unthought of, should be put in the place of that which, after all, had not been found to have worked by any means evil. It did not follow that because property was bought for less than its value that there was anything wrong in the transaction. A man might be out on pleasure, find his money run short, and be without means of supplementing his requirements. Upon that he might pledge his watch for 5*s*. The pawnbroker would lend him more because it was worth more, and, indeed, it would be his interest to lend more upon it, but all that was wanted might be simply the railway fare home. In such a transaction there could be nothing wrong on the part of the pawnbroker.

Dr. WINES (New York) observed that Mr. Serjeant Cox had suggested a method by which the class of receivers of stolen goods might perhaps be to a great extent suppressed, if not exterminated, namely, by inducing the thieves themselves to "blow" or "split" upon the persons to whom they took the stolen goods. He thought nothing was more essential to the suppression of thieving than to suppress the pestilent class of receivers, who were the breeders of thieves. He had visited a large number of gaols in America, and conversed with many of the thieves confined in them. After ingratiating himself a little with them he had frequently put the question, "What is the condition most essential to your success in the prosecution of your business?" And the uniform answer had been in substance, "To know all the 'fences' within a circuit of twenty-five or thirty miles." "Fences" was the word used to describe receivers. The point upon which his mind laboured was whether we could induce thieves to do a thing which would destroy their business; and if Mr. Serjeant Cox could give a satisfactory answer to this question a great benefit might be done to society.

Mr. Serjeant COX said the process by which he proposed to achieve that end was by exempting the thief from punishment if he gave such information as would enable the court to convict the receiver. Of course this could not be done on the unsupported evidence of the thief; but his information might lead to the production of satisfactory testimony as to the culpability of the persons pointed out. If this could be done, distrust would be thrown among receivers, and they would feel themselves unsafe.

Captain CARTWRIGHT remarked that there was hardly a professional thief who did not say that he had not a grudge against the receiver, and this would make the method suggested by Mr. Serjeant Cox more likely to succeed.

Mr. ATTENBOROUGH said he had an opportunity not long ago of having some talk with a man who had been three or four times convicted of burglaries. He was known to be so clever a hand that his nickname was "the Jumper," that having been given to him because he was able to jump out of a first-floor window with a plate-basket in his hand and not spill any of the contents. He was now, however, endeavouring to earn an honest living. Having asked him for information in writing, the man subsequently wrote as follows:—"Burglars and systematic thieves never pledge stolen property at pawnbrokers; they dispose of it to persons called 'fences,' men who never thieve themselves, but who can command at any time any amount of money to buy stolen property. These men are a numerous class. Some keep shops and pass as respectable tradesmen, others keep public-houses, and others do nothing but buy and sell. In the first place—I am speaking of the professional burglar and thief and not of petty ones—when a burglary is going to be done, and a good one—for instance, such as Lord Foley's—the fence is told of it in order that he may be prepared for the burglars when they come, and it turns out all well. Benjamin, of Higley Street, Red Lion Street,

was the man who bought all Lord Foley's plate, excepting a few small things; and Pussey was the man that took it to him. I mention the names of these two men because they are both in Australia. When stolen property is taken to fences, if it is plate, it is melted down by them before they give you the money, but not by all fences. Jewellery and watches, if in large quantities, are sent abroad. The jewels are taken out, and the gold goes into the pot, but never to the pawnbrokers." He had no doubt of the good faith of the letter. Mr. Hill had said that the intent to commit crime should be punishable; but how was a person's intent to be ascertained. He maintained that it would be exceedingly dangerous to legislate for intents. He thought it would be utterly impossible to get a thief to "split" on the receiver, for if he were to do so his life would be in danger. Further, if such a system were carried out he felt certain that it would be attended with danger to the liberty of honest men. As to the burden of proof, his idea was that if a suspected house was searched, and part of the produce of three robberies found in it, the occupier should be assumed to deal in stolen goods and be punished accordingly. He hoped he would not live to see the business of pawnbroking handed over to the Government. Was property safer in France and Malta than in England? and if not, the systems in those countries were no improvement on our own. There were no satisfactory means of getting at the fair value of the goods that were stolen. The coat, for instance, which he was wearing, was worth 2*l.* to him; but, probably, if he wanted to sell it, he would not be able to get above 15*s.* for it. There was the recent case in which a butler stole a quantity of plate, on which 86*l.* was lent. When the case came before the magistrate the value was put down at 800*l.*, but when it was weighed it was found to be not more than 130*l.* It would thus be seen that the value put upon property was frequently fictitious, and could not, therefore, be relied on. Pawnbrokers were subjected to severe criticism. There were 30,000,000 of pledges in London and the neighbourhood during the year, and in that vast number of transactions, by 470 pawnbrokers, it was not surprising if there were some errors. But it was very rarely that the magistrates who were constantly on the Bench saw cause to reprove or reprimand pawnbrokers. During his forty years' experience no judge, and very few recorders, had done so. Pawnbrokers ought to be looked upon more charitably and with a more liberal eye; and if his paper brought that result about he would regard that day as one of the brightest of his life.

Mr. Serjeant Cox having seconded the resolution, it was carried unanimously.

PREVENTION OF CRIME.*

The Rev. T. R. W. Pearson read a paper containing "Some Practical Suggestions as to the best means of Preventing Crime in England and Wales." He pointed out that the criminal classes of England and Wales reached 15·4 per cent. of the entire population. His experience led him to think that to correct was not always to prevent. He suggested the erection of preventive establishments, the portals of which should be open at all times to those in danger of temptation. To those who are *habitués* of our gaols a money payment should be affixed to incarceration. All the labour performed in prison should go to the reduction of the rates, and the cost of a prisoner's maintenance whilst in gaol should be defrayed by him

* See *Transactions*, 1865, pp. 195-203; 1866, p. 208; 1867, p. 70.

after his discharge, such liability to be paid, under police supervision, by instalments, and such supervision to cease when all the instalments were paid. The number of admissions to gaols was augmented by the "drunk and disorderlies," who, by the way, were not so much victims of quantity as quality. Let them force the excise officer to the proper performance of his duty; let the number of beerhouses be restricted; let workmen be paid on Friday; let employers, if they would, pay their employés at their own homes; let no benefit society hold its meetings in a public-house; let publicans, known to serve an intoxicated customer, be fined heavily; repeal the Wine Licenses Bill of 1860; let the power granted to grocers and confectioners of selling wines and spirits be taken away: let no license be granted to any person on his or her individual application; and lastly, let all education have religion. He recommended and enforced (1.) The anticipation of crime and its prevention by the erection of Preventive Establishments. (2.) The necessity of fines as the accompaniments of sentences, such fines to be levied by instalments under police supervision. (3.) The enforcement of the Excise laws making penal the adulteration of all exciseable articles and other restrictions upon licensing houses and their *habitués*; and (4.) The paramount necessity of a religious education as a preventive of crime.

Mr. J. H. Balfour Browne read a paper on "A more Efficient System of Punishments with a View to the Repression of Crime." The objects of punishment, he said, were three:—(1.) To prevent the individual punished from again committing crime. (2.) To deter others; and (3) if it be possible, to reform the criminal, and make him a useful member of society. It was a fact that the present punishment did not prevent a relapse into crime. We found men and women who had been eight times in prison, and they were, with all solemnity, and a few words of red tape advice, sent to penal servitude. Was not this a solemn farce? Did not the reappearance of the criminal in the dock prove something more than judges suggested in charges to grand juries? Did it not prove that our system was a useless sham, in so far as the prevention of a recommission of crime was concerned? It was only the first plunge into prison that was horrible. That over, there was a considerable amount of comfort and enjoyment in prison, and that and the askance look which the world gave to the criminal rendered punishment, as a means of preventing crime, utterly inefficacious. Passing over, as unnecessary for his present purpose, the deterrent effects of punishment upon those who would not be kept virtuous except by other considerations than the fear of incarceration in prison, the writer asserted that none, or next to none, of the criminal class proper were ever made useful members of society. Starting from the assertion that none should have liberty who were unable to use it, he said there was little doubt that that which was earned alone was valuable. Most gifts and charities did harm. He proposed, in substitution of

the present system, a system of fines in conjunction with imprisonments. It was a system which would compel the individual himself to pay for his criminal transgression. It was a system which would exact a money payment from the criminal in the shape of the labour to which he was best suited by his training, habits, or capacity. A prisoner should be allowed to do what he did outside in so far as that was compatible with a certain system of prison discipline. By such means a man would be able to earn a sufficient sum of money to recompense the Government for the whole expenses of his detention in person. He might be allowed to work overtime in order to pay for extra comforts. His gains, after they had been applied to his own maintenance, ought to be, in the second place, appropriated to the support of those who were, previous to his imprisonment, dependent upon his exertions. And further, he thought that out of their earnings prisoners ought to be able to save a certain sum, under the care of the prison governor or treasurer, and that certain sum should be the measure of the punishment of the criminal. If this system were adopted, the sentence of a man would be that he should be confined in the house of correction until such time as he had, by his own labour, after paying for his own maintenance, and that of those who were dependent upon him, amassed a certain sum of money. In this way punishment would become naturally systematic and reformatory.

Some Remarks on the International Prison Congress for 1872. *By the* Right Hon. Sir WALTER CROFTON, C.B.

THE meetings of the "Repression of Crime" Section have always been of importance, and on reference to the records of our proceedings it will be seen that our discussions have very generally produced legislative and administrative improvements—perhaps not always as speedily as we may have desired—but they have been made at last, and very much in the form which we have suggested.

But important as our meetings have always been, the importance is very much enhanced on the present occasion, because we have in our midst a very distinguished gentleman (Dr. Wines), who has been appointed from the United States as a Commissioner to arrange for an "International Prison Congress," in London, during next summer.

Those conversant with penal discipline, and the reports of the Prison Association at New York, will at once recognise the judicious selection which has been made in the appointment of Dr. Wines. Reports on penal discipline from Germany, France, Italy, and from our colonies, very clearly illustrate the influence which the Prison Association of New York has so beneficially exercised.

We are most of us aware that there was a National Congress held at Cincinnati in October, 1870, on Penitentiary and Reformatory

Discipline; but not many are informed that this Congress resulted in the declaration of a very large number of most important and valuable principles. Many of these will, no doubt, be very thoroughly discussed, and from many points of view, at the International Prison Congress. I will invite your attention to a few which I trust will, at the present day, be accepted with very great unanimity, namely, that—

I.—The progressive classification of prisoners, based on character, and worked on some well-adjusted mark system, should be established in all prisons above the common jails.

II.—Since hope is a more potent agent than fear, it should be made an ever-present force in the minds of prisoners, by a well-devised and skilfully-applied system of rewards for good conduct, industry and attention to learning. Rewards, more than punishments, are essential to every good prison system.

III.—The prisoner's destiny should be placed, measurably, in his own hands; he must be put into circumstances where he will be able, through his own exertions, to continually better his condition. A regulated self-interest must be brought into play, and made constantly operative.

IV.—High qualities and a special training are required to make a good prison or reformatory officer. Then only will the administration of public punishment become scientific, uniform, and successful, when it is raised to the dignity of a profession, and men are specially trained for it, as they are for other pursuits.

V.—A system of prison discipline, to be truly reformatory, must gain the will of the convict. He is to be amended; but how is this possible with his mind in a state of hostility? No system can hope to succeed, which does not secure this harmony of wills, so that the prisoner shall choose for himself what his officer chooses for him. But to this end the officer must really choose the good of the prisoner, and the prisoner must remain in his choice long enough for virtue to become a habit. This consent of wills is an essential condition of reformation.

VI.—The most valuable parts of the Irish prison system—the more strictly penal stage of separate imprisonment, the reformatory stage of progressive classification, and the probationary stage of moral improvement and natural training—are believed to be as applicable to one country as another—to the United States as to Ireland.

VII.—More systematic and comprehensive methods should be adopted to save discharged prisoners, by providing them with work and encouraging them to redeem their character and regain their lost position in society. The State has not discharged its whole duty to the criminal when it has punished him, nor even when it has reformed him. Having raised him up, it has the further duty to aid in holding him up. And to this end it is desirable that State societies be formed, which shall co-operate with each other in this work.

Within the last few weeks I have received the report of a Commission on Penal Discipline in the colony of Victoria. You will be glad to learn that this report entirely approves the principles which we have so long advocated, and, under the name of the "Crofton System," which had been thoroughly investigated by a commissioner, recommends its adoption to the utmost extent which the position of the colony will allow. The report says:—

"That the testimony borne to its value by eminent jurists and statesmen in all parts of the world, are conclusive arguments in its favour. The soundness of the abstract principles upon which it is based, the careful minuteness with which its multifarious details have been wrought out; the manner in which each step in the disciplinary process is made to conduce to the same end, namely, the reclamation of the prisoner; the skilfulness with which the co-operation of the prisoner himself towards the attainment of that end is gradually elicited; and the sagacious blending of severity at one stage of the process with clemency at another; all these are elements in the Crofton system, which hardly seem to admit of improvement. We have therefore incorporated them, so far as possible with the system we propose for establishment in Victoria."

Now by comparing this approval of principles, for which we have so long contended, with those which I have stated to have been declared at the Cincinnati Congress, it will be gratifying to note how much in accord thoughtful minds, after careful examination, are on the most essential points of penal discipline.

We find this great concurrence on fundamental principles in the works and opinions of Professor Mittermaier, of Van Der Bruggen (formerly Minister of Justice in Holland), and Count Cavour, who have all passed away from this world. We find it in the very recent works and opinions of distinguished men in Italy, Germany, France, America, and in many of our colonies. I hail this great accord on certain fundamental principles essential to a good system of penal discipline, as a harbinger of a successful international gathering. We shall do much no doubt at this meeting, and there is much to be done to further a beneficial development of these principles. It is one thing to accept theories; it is another to make practical application of them.

Are we quite sure that our practice is up to our theory, and do we give sufficient thought and time to attain this end? I do not believe that we do. We worked very hard some few years since to get our principles recognised, but after their recognition it appears to me that we slumbered and slept, and did not take sufficient heed of their development. For my own part I cannot read the reports of the New York Prison Association without feeling what a vast amount of good the exertions of a similar body could effect in this country.

We cannot read the prison literature of the day without realizing that there never was a time when the public of all nations more deeply felt the necessity of dealing with prison reforms than at present.

What do we find in a neighbouring country—although distracted with its troubles and its cares? The American commissioner noticed a most warm and active interest in this question. It is well known that the Emperor Napoleon, before the commencement of the war with Germany, had actually appointed a commission to inquire into the best means of employing liberated criminals.

Let us briefly glance at our own position in this matter. During the last Session of Parliament a "Prevention of Crime" Act has passed—it has superseded the "Habitual Criminals Act," which although undoubtedly of value, aimed at too much, and effected too little.

I have so often pointed out the shortcomings and impracticabilities of some of the provisions of this Statute that I need do no more at the present time than congratulate the meeting on having obtained a substitute, which will enable supervision to be carried out more systematically—with less oppression to the criminal, and yet with greater protection to society; I am of course assuming that sufficient pains are taken with the development of the new Statute—if otherwise, all legislation of this character defeats its own object. But it strikes me very forcibly that these restrictions on the criminal classes render it doubly imperative upon us to divest them of undue hardship. Some few days since I was reading some of my reports on the Irish Convict System—written eleven or twelve years since. I found that in urging the general adoption of registration, supervision, photography—intercommunication between governors of gaols, &c., I took especial pains to add that this was only part of a whole—that it should also be felt that each criminal, previous to his liberation, has been invited to co-operate in his own improvement, and that he has been made aware of the stringent course which will be pursued towards him after his liberation.

I have also added, that the great desideratum of obtaining the co-operation of the public in the absorption and reclamation of the liberated convict is better attained by the exhibition of those desirous of amendment in a form to generate the confidence of the public in the tests of character and temptations to which they have been exposed; those desirous of amendment having been so proved by a very strict requirement, and rigid system of classification in the ordinary prisons. Now, is one prison system in this country of such a nature as enables us to feel that each criminal, previous to his liberation, has been invited to co-operate in his own amendment? We know that the "mark system," which, if judiciously worked, conduces to this end, is carried out in the convict establishments. But how stands the case with the longer sentences in the county and borough gaols? In some instances this question could be satisfactorily answered, but in the great majority, I much fear it would be otherwise. There has been a great desire expressed to inquire into the operation of the Prisons Act, 1865, for there are many complaints with regard to the want of uniformity in the treatment of prisoners under the same sentence.

It is undeniable in these days of progress that sufficient time has elapsed to produce either good or bad results, and therefore an inquiry by committee or commission cannot fail to be of value. My own opinion is, that the Statute has effected much good, but that it has been very imperfectly developed, and is susceptible of great improvement.

With regard to the more natural training of convicts before release, we have not done very much. We certainly have refuges for our female convicts, which assuredly tend to reconcile the public to their employment. But with regard to the males, we have nothing of a very special character to look at as an illustration, beyond the convict encampment at Lusk, near Dublin, which has stood the test of fifteen years' experience; and when we consider the thousands of convicts which have passed through the ordeal in that time, the really self-government, without abuse, which has prevailed in it for so long a period, the retention of the system by so many different governments, the many changes in executive offices, I submit that it is a model which should be very generally followed, and one which merits very close attention by the International Prison Congress.

The exhibition of criminals in such a form conveys to the thoughtful mind much more than appears on the surface, both with regard to what has preceded that stage, as well as to what is to follow it.

A few months since Captain Du Cane, the Chairman of the directors of Convict Prisons in England, brought the subject of the employment of convicts before the Society of Arts. I had not the pleasure of attending the meeting, but I have read a pamphlet written by Captain Du Cane, recommending the extension of the employment of convicts, and I am sure he has done good service in recalling public attention to the point. He recommends their employment in the different defence works of the country, and although he does not mention the precise manner in which he would locate them, we may, I think, fairly assume on economical grounds that their location and treatment would be of a different character from what it is in the ordinary prisons—and we should by these means present the criminals to the eyes of the public with more natural and reliable tests of well-doing. We should thus be enabled to introduce lectures, and other appliances calculated to induce amendment, which it would be difficult to carry out in ordinary prisons.

This has been brought very forcibly to my mind of late—in consequence of a strong desire expressed by the Temperance Association to have their lecturers admitted to prison. Now, knowing the slaves to drink which the criminal classes generally are, I cannot resist the conviction that it would be extremely to their advantage that they should have the opportunity of hearing such lectures.

In the Carlisle Refuge for female convicts at Winchester, with which I am connected, we have latterly, through the kindness of the Temperance Association, experienced the advantage of these lectures. I am not prepared to say that there may not be some

difficulty in carrying out these lectures in gaols, but I believe them to be mainly on the surface, and by no means to be weighed against the beneficial results which would most probably accrue. If, however, these objections should be deemed insuperable, I submit that, it is another reason for dispensing with too much restraint during the latter period of sentences.

Let us think of these things, for we shall have to discuss them very minutely at the International Prison Congress.

The Belgian system will no doubt engage much of the time of the Congress. It appears to us that it would be almost impossible, consistently with the due preservation of mental and bodily health, to detain in strictly cellular confinement, prisoners for twenty and even thirty years. Mr. Tallack is, I understand, to give the Section an account of his visit to the prisons of Belgium and Holland, which will be extremely valuable in considering the subject.

For my own part, without entering into the question of how long it may be desirable to retain prisoners in strictly cellular confinement, I feel bound to demur to the direct liberation of prisoners from such an artificial treatment, believing that the public will not co-operate in giving employment to prisoners without it can be shown that their tests, previous to liberation, have been of a natural and reliable character. No person has a higher appreciation of strictly cellular imprisonment than I have, but only in its place, and that place, for the very important reasons which I have given, is not at the end of sentences.

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*Amendment of the Law relating to the Protection of Animals.** *By* JOHN COLAM.

"IN the case of cruelty to any of our own kind, the oppressed has a tongue that can plead his own cause, and a finger to point out the aggressor; all men that hear of it shudder with horror, and by applying the case to themselves, pronounce it cruelty with the common voice of humanity, and unanimously join in demanding the punishment of the offender, and in branding him with infamy. But in the case of cruelty to brutes, the dumb beast can neither utter his complaint, nor describe the author of his wrong; and if he could, what laws are now in force, or what court of judicature does now exist, in which the suffering brute may bring his action against the wanton cruelty of barbarous man?"

The above question was asked by an eminent and learned writer in a work, entitled "The Duty of Humanity to Inferior Creatures," which appeared about a century ago; but it was not until the year 1809 that an application was made to Parliament for a law to protect animals. The Bill which Lord Erskine introduced to the House of Lords passed without opposition, which circumstance, in these days

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* See *Transactions*, 1870, p. 292.

of hostility to the Upper House, should be remembered, if only to show that useful measures are not invariably thrown out, but are sometimes enacted with alacrity, by that august assembly. The Bill which was passed by the Lords was rejected by the Commons, After this attempt in Parliament a pause occurred, when the progress of this question appears to have been checked by the war (and what social blessing is not blighted or withered by war?) In 1822 Richard Martin, assisted by Sir Francis Burdett, Buxton, Wilberforce, and others, brought a Bill into the House of Commons, similar to the one proposed by Lord Erskine, which was ultimately passed into law. Amendments were made during the reign of William, and in the twelfth and thirteenth year of the present reign a still further amendment and extension of the law was made by the Act "For the more effectual Prevention of Cruelty to Animals." This Statute provides in its principal section—

"That if any person shall, from and after the passing of this Act, cruelly beat, ill-treat, over-drive, abuse, or torture, or cause or procure to be cruelly beaten, ill-treated, over-driven, abused or tortured, *any animal*, every such offender shall for every such offence forfeit and pay a penalty not exceeding five pounds."

Here, then, we have a happy response to the question—"What laws are in force against the cruelty of man towards dumb beasts?"

It should be observed that the section just quoted punishes every offender for every offence against *any* animal. At first sight this provision would appear to be as complete as the most ardent advocate of humanity could desire; but if we turn to the interpretation clause we discover that the word animal shall be taken to mean any "horse, mare, gelding, bull, ox, cow, heifer, steer, calf, mule, ass, sheep, lamb, hog, pig, sow, goat, dog, cat, or any other domestic animal" —that is to say, among the myriads of sentient creatures which exist throughout the country only a few, and those in the service of man, shall be protected against wanton cruelty. Herein is the great defect of the Act to which on this occasion I shall have the honour to call your attention.

But it will be more convenient before doing this to assume that there can be no discussion at this Congress in respect of the protection of domestic animals from all and every kind of cruelty, and thereupon to proceed at once to the examination of the imperfect provisions of the present Act, which, as before quoted, was designed for the effectual prevention of cruelty to domestic animals.

The 3rd section is directed against the fighting and baiting of dogs, cocks, or other animals, when carried on in a place kept for the purpose. Nothing can exceed the loathsome cruelty of these offences, and it is a source of considerable pride to the Royal Society that by their efforts mainly such practices have become illegal. Owing, however, to its bad construction, this section does not forbid baiting and fighting, provided the offenders select a field or yard, or other unenclosed place, for the performance of their delectable amusement.

It will not surprise persons acquainted with the shrewd instincts

of the dog and cock-fighting fraternity that this defect of the law, especially with regard to badgers, has been detected by the "fancy," and that, consequently, in many parts of the country, baiting and fighting have been carried on with open defiance. Again, under the advice of counsel, it appears, these lovers of low sport carry on daily encounters between dogs and rats—"beauties fresh from the sewers," as their sensation announcements advertise the public. The rat-pit is undoubtedly kept for the above purpose, but also to provide a convenient cover for occasional dog-fights and other sport. On the ground of cruelty to dogs (if not to rats), and to prevent the further development of sanguinary instincts, these degrading exhibitions ought surely to be forbidden by an amendment of the third section of the Statute.

An alteration in sections 7, 8, 9, 10, 11 is needed to prevent men called knackers' agents from evading the Act by purchasing horses consigned for slaughter and selling them again for labour. This lamentable defect enables thousands of men to perambulate the country and collect infirm, miserable, and often diseased horses, the wrecks of past favourites, and these poor things are made to travel one hundred, two hundred, or three hundred miles to save their merciless owners the cost of railway carriage to London as dead carcases. They feed perforce on the high-road grass and thus endanger other horses and even human beings should they be affected with glanders, and it is common to see them drop and die from exhaustion on the roadside. Lord Erskine alluded to this evil in his day, which is undiminished by legislation, as a shocking abuse, "because committed under the deliberate calculation of intolerable avarice. I allude to the practice of buying up horses when past their strength, from old age or disease, upon the computation (I mean to speak literally) of how many days' torture and oppression they are capable of living under, so as to return a profit with the addition of the flesh and skin, when brought to one of the numerous houses appropriated for the slaughter of horses."

A section should also be added to enable magistrates to destroy entirely worn out horses brought before them, and thus provide the readiest and only effectual means for ending the sufferings of such poor brutes.

Again, legislation is needed for the prevention of cruelty in butchers' slaughter-houses. This may be done in some measure by provisions which would open butchers' slaughter-houses for inspection at reasonable hours, just as the houses of horse-slaughterers now are accessible under this Statute to constables and other authorised inspectors; but the true remedy for the reckless and cruel behaviour of boys and men now engaged in private slaughter-houses will be found in compulsory enactments for the killing of animals intended for human food in public abattoirs. This remedy is needed on sanitary grounds and for security against impure food, but it is absolutely necessary to correct the heedlessness and riotousness of the English butcher boy's education. In private houses cruelty fructifies

with horrors of which the human heart can scarcely conceive. Make them public and the public eye alone will impose a salutary check on the conduct of butchers, drovers, and others engaged therein. Surely it is time that public abattoirs were erected at least in the metropolis, and that England, whilst boasting of her advanced humanity and her Christian propagandism, should take steps to prevent enormities, the recital of which would make heathens shudder.

Abattoirs have existed for years in continental cities, and in some of our own large towns, and doubtless would have been erected in London but for our worship of parish boards and vested interests.

There are undoubted practical difficulties in the way, but all these may be surmounted by practical men.

Owing to, at least, an ambiguity and obscurity of this Statute, numberless offenders are acquitted during the year, who have been guilty of neglect to their animals, many magistrates (especially those not friendly to prosecutions for cruelty) contending that an overt act must be proved to constitute an offence. Thus, a man may now withhold food from his dependent cattle until they die of starvation, or he may permit milk to accumulate in the udders of his cow (which barbarity is called "overstocking"); or he may expose, during inclement weather, his sheep which have been shorn of their wool, or he may commit a score of other brutal acts of omission, and neglect to perform his most obvious duties—not everywhere, but certainly in those jurisdictions where magistrates have decided to construe the Statute as before described.

Again, the impounding clauses of the Act should be made to compel Pinders to provide shelter for imprisoned animals. The pitiable condition of brutes, penned up in parish pounds, without room to turn their bodies, to revive circulation, and constrained to stand, up to their hocks, in a slough of mud and excrement, has excited the commiseration of many beholders. What more miserable spectacle than such appearance of our pounds, and yet so easy of cure? The object of these receptacles is the protection of property—not the prevention of cruelty—and property should be called on to supply needful shelter. Often this is a most serious want, when impounded animals are the subjects of litigation, during which time they remain exposed in a confined position to the worst winds, rains, and snows of winter.

Again, provision is wanted to punish physiologists and their students who may be guilty of needless and cruel experiments on animals, and to disqualify all persons, except those specially licensed, for the performance of operations on living creatures not rendered painless by an anæsthetic agent. The most distinguished medical men favour legislation of this character, and its adoption would not only cause a cessation of untold suffering, but would place a stigma upon practices which Abernethy has denounced as "disgusting to common decency," and tending "to harden the feelings of the operator," but which now obtain immunity before the law, by pleading in their behalf that sacred name, "Science." If we ask, "O

Science! what deeds of cruelty have been done in thy name"—who shall give answer to the question?

Finally, further powers are needed to reach the owners of animals for their foremen) who have committed their dumb, helpless dependents to labour while in an unfit state. Generally as Lord Erskine argues—"The master is the obvious culprit," though he can seldom be reached by the present law. The adoption of words in the 2nd section which are used similarly in the 3rd section, and invariably employed in every Statute of the United States and Canada, namely, "did cruelly ill-treat, or authorise, or permit, or suffer to be cruelly ill-treated," &c., such simple addition would absolutely enable the officers of the Society or police constables, instead of proceeding against the comparatively innocent driver or other agent, to bring under the penalties of this Act the true offender and "obvious culprit."

The above recommendations have been enunciated from the Bench by learned magistrates, and are founded on the long experience of the Society, and of the police authorities engaged in enforcing the Act, and I beg to submit they are required for the effectual prevention of cruelty to DOMESTIC animals.

But the principal defect of the present law is the entire absence of protection against the most flagrant abominations perpetuated on undomestic animals.

Rats are covered with turpentine, set fire to, and then chased until their bodies fall a calcined cinder. Foxes have several times been hunted to death on three legs, the other limb having been brutally chopped off by their pursuers. Otters, polecats, weasels, and other vermin have been blinded by acids, mutilated in the most savage manner and turned loose to die of suffering and hunger. The eyes of birds are pierced with red hot irons and then confined in tiny cages until they die, and otherwise mutilated. Ferocious animals undergo unheard of atrocities, in order to maintain necessary discipline and performing powers before gaping crowds at public exhibitions. The catalogue of these and like cruelties upon *un*domestic animals would weary and disgust you; but I beg to be allowed to state that numerous instances of the following shocking treatment of rabbits have recently been placed before the Society, inquired into, and authenticated.

"AN ENEMY TO GAME.—A new way of killing rabbits has been devised by a farmer, near Tewkesbury, namely, setting fire to the gorse round a small warren in such a way that none of the rabbits could escape, it being fired at all points simultaneously. This he did a few days ago, and we understand that a young fox was seen afterwards wandering about suffering severely from the effects of fire. Rabbits were also seen for days after in the neighbourhood—some with their legs partly burnt off, others with their backs burnt and in a most pitiable plight, their cries being heartrending. This is surely a case for the exercise of some of the provisions in Martin's Act, and we certainly hope the police will bring the offenders to

justice. In a fox-hunting country the burning of foxes will scarcely be tolerated. If the poor rabbits did as their nature prompted them —take a little of this man's corn—there were other means of destroying them, and plenty, unfortunately, of poor people who would have been glad of one to put in their pot. Let us hope such dastardly conduct will meet with the condign punishment it deserves."—*Worcestershire Chronicle.*

In one case similar cruelty was enacted by the Chairman of a County Bench, after which nearly 100 rabbits were found roasted to death. In a notorious case the Society took proceedings for the sake of exposing the perpetrator, with what result the following newspaper report will sufficiently inform you:—

"A magistrate in Hampshire was summoned before the bench at Kingsclere, charged with having, on Sunday, the 30th of January, 'caused his servants to cut off one of the legs of a fox.' This was done in the defendant's presence; and, 'shortly after, while still bleeding, the fox was taken out and hunted.' It ran about two hundred yards, when the hounds killed it. The Chairman severely censured Mr. ——'s conduct; but said that, 'as a fox is not a domestic animal, it does not come within the meaning of the Act for the Prevention of Cruelty to Animals,' and he dismissed the case."

Well and truly might the raven say in the Oriental fable, "I perceive what the power of evil is—it is clear that man, insatiate man, is our devil."

The student of history will some day account, as one of the most extraordinary features of English humanity to animals, the cruelty to *un*domestic animals, which the law tacitly sanctions. He will ask "Why were those creatures denominated *feræ naturæ* excluded from the operations of the Statute? Why was a chicken protected and a wild fowl tortured? Why a house-cat was considered an animal and a wood-cat not? Why a dog is an animal, and a fox, a wolf, or a jackal is not; why a mule is an animal, and a zebra not; why a lop-eared rabbit is shielded from ill-treatment, while a warren-rabbit may be roasted to death? Should not the law invariably protect the weak against the strong, and prevent the invasion of individual rights?"

The tendency of law-givers is ever to protect themselves, and hence certain animals which are not property have been protected as property, and animals which are property have been effectually protected as property—less on the score of humanity than of that of pecuniary interest; for example, punishment for wounding a cow may be seven years' imprisonment under the "Malicious Injuries to Property Statute," (*i.e.*, for the protection of the owner's interests,) while the punishment for the same act would be only three months' imprisonment under the Cruelty to Animals Statute (*i.e.*, for the protection of the cow).

Is then, cruelty, which Montaigne held to be the worst of all vices, and which is twin with murder—is such cruelty of less account in English morals than theft? Surely not. But maybe it is contended that animals, like women, have no rights.

Lord Erskine puts this point with marked indignation—"Animals are considered as property only—they have no rights." And in this selfish consideration seems to have resided the principal cause of the indifference shown by our Legislature towards wild animals. Erskine saw that he would struggle in vain for the protection of all animals.

He says, it may be asked why the enacting part of this Bill "falls so very short of protecting the whole animal world." The answer is—"I have gone as far as I dare at the present moment, and the whole Bill might be wrecked by an impracticable effort to extend it, but I shall be glad to follow others in the attempt," hence it was that animals which are property became protected under two Statutes, while those which are not property were left entirely unprotected.

The condition animals have been left in by modern legislation reminds one of a story told of a respectable Guacho, who exhorted Mr. Darwin, when riding in the Pampas, to spur his jaded steed. Mr. Darwin represented that the animal was exhausted. "Never mind," replied the Guacho, "it is *my* horse!" With some difficulty Mr. Darwin made him comprehend that it was from motives of humanity, and not from the fear of diminishing the value of a piece of property, that he was induced to forbear. "Ah, Don Carlos!" exclaimed the man, with a look of astonishment, "what an idea!" It was, however, the common idea fifty years ago, when the author of "Parliamentary History for the year 1826," presumed to teach Sir Francis Burdett, Sir James Mackintosh, Martin, as well as Lord Erskine (all promoters of the new Bill), as follows:—

"We maintain that all legislation on this principle is absurd and vicious; that the constitution (or the protection of the rights of human beings) ought to be the sole object of human legislation; that no reason can be assigned for the interference of the legislator in the protection of animals, unless their protection be connected either directly or remotely with some advantage to man; and that, therefore, that advantage constitutes the real and the only ground for the legislator's interposition."

The *Edinburgh Review* does not expend its irony on the writer of the above passage in order to expose his selfishness and shameless disregard for the claims of animals; but simply twits him with a charge of ignorance in not having discerned that man's interest had been, up to that time, the sole ground of every argument presented to Parliament in favour of the Bill for the Protection of Animals. Both the writer of the "Parliamentary History" and his reviewer, as well as journalists of the period, entirely ignored the proposition that animals have a clear and solid right to humane treatment from the hand of man.

This is now conceded by our foremost writers, but only as regards domestic animals, though if true as regards them, why is it not true as regards all animals? Are not all animals placed under man's dominion, the domestic animals being those which he has tamed to subserve his own interest? Because the latter are valuable to him,

and promote his pecuniary welfare, is that the true ground for humane treatment? Are we to be humane only for benefits received from horses, cattle, and other useful creatures, and for the social feelings which are connected with domestic dogs or cats. Real humanity takes much higher ground than this, and imperatively demands that protection should be accorded to all God's sensitive creatures, because they are sensitive. Bishop Butler says that if any creature be sentient, *i.e.*, capable of suffering pain or enjoying pleasure, it is cause sufficient why we should refrain from inflicting pain, and should bestow on it pleasure when we may. That is enough. "We need go no further," says another writer, "to seek for a primary ground of obligation for mercy. Many other motives may, and do, come in to enhance and modify this obligation; but, standing by itself, it is sufficient. If we could divest ourselves of every other idea, and even admit the dreadful hypothesis that neither man nor brute had any creator, but came into existence by some concourse of unconscious forces; yet even then—in a sunless, hopeless, fatherless world—there would still remain the same duty, if the creature could feel pain, to avoid inflicting it; if it could feel pleasure, to bestow it. We cannot get below this principle. It is an ultimate canon of natural law—a necessary moral law (in metaphysical parlance)—since we cannot even conceive the contrary, nor figure to our imaginations a world or a condition of things wherein the obligation could be suspended or reversed."

Then why should a broad line of distinction be laid down by our law as regards our treatment of domestic and undomestic animals respectively? Are they not each generated in the same way, nourished in the same way, and dying in the same way. Alike endowed with intellectual powers, with emotions and moral sentiments, the broad analogies between man and the brute are striking indeed. These, however, though they constitute the most obvious, form only a small part of such analogies. In common with ourselves, the brute possesses the five senses of sight, hearing, taste, smell, and touch, those inlets to all knowledge, and they are endowed sometimes with a degree of sensibility unknown to man. In each are the functions of hearing and sight performed by organs existing in pairs. In both is the decay of the body repaired by means of the circulation of the blood, which is itself carried on by the mechanism of a heart, arteries, and veins; and the blood is supplied by the same functions of digestion, assimilation, and excrementation carried on in much the same way in both. In each alike does that most mysterious of organs, the brain, seem to be the point of contact—the connecting link—between spirit and matter; the seat of perceptions, ideas, and emotions; the spring of voluntary and involuntary motion; the nexus between the mental will and the material limbs; and in each are those wonderful functions carried on by means of an equally mysterious nervous system.

Plutarch teaches us that "kindness and beneficence should be extended to creatures of all species, and these," he says, "will flow

from the breast of a well-natured man, as streams flow from a copious fountain."

"I cannot conceive," says the present Lord Stanhope, "how any man should wish to limit his humanity only to mankind. Why should it not, on the contrary, embrace the whole sphere of the creation, even to those animals whom we have it not in our power to befriend."

Another writer says:—"Perhaps one of the most certain signs that the true meaning of sympathy with nature is being more extensively recognized in our times is the visible spread of the idea that every sentient creature ought to be treated with humanity, just as much as the members of our own species. As a corollary to that advance of enlightenment which prevents us from maltreating lunatics and burning old ugly women, we have learnt, though not universally, the propriety of consideration for all sorts of animals and reptiles; loathing and terror in the presence of hideous and monstrous shapes has become exchanged for gentle pity. It is seen that these dumb and helpless things have a capacity for something which at least passes with them for pleasure. Who that has read can forget the French poet's picture of the black, venomous toad, squatting meekly on the edge of its stagnant ditch on a summer evening, and relishing in its own humble way the calm of the surrounding scene? There are plenty of grown-up people of cultivation still to be found who would scarcely feel that they were doing anything very wrong if they gave the poor monster a poke with a stick, or set a dog on to plague him. But there are fewer people now of this involuntary, unreflecting devilishness than there were twenty years since, and the whole tendency of the modern spirit is to make such people fewer still. Respect for happiness, even in the rudest and most uncouth shape which we can imagine happiness as assuming, is more widely perceived to be one of the first of social duties."

"Hurt no living creature" was one of the laws of Triptolemus. Christians who adopt such maxim discover no motive more binding than the reasons already given, that all animals, more or less, are capable of suffering and pleasure, and are, more or less, under our dominion. In such dominion resides our trust and their rights. "If," says Lord Erskine, "in the examination of their qualities, powers, and instincts, we could discover nothing else but that admirable and wonderful construction for man's assistance; if we found no organs in animals for their own gratification and happiness—no sensibility to pain or pleasure—no grateful sense of kindness, no suffering from neglect or injury; if we discovered, in short, nothing but mere animated matter, obviously and exclusively subservient to human purposes, it would be difficult to maintain that the dominion over them was a trust"—except as [regards property. But exactly the reverse is the case, and they have "organs and feelings for their own enjoyment and happiness" (See his speech in the House of Lords before referred to).

My conclusion therefore is:—The power which is delegated to us over the animal world is like every other gift of Providence, to

be exercised according to the rules of justice and mercy, and not according to the wanton instigations of cruel caprice. Acting by God's leave in God's stead, we must govern His creatures with the same benevolence which pervades the entire being of Him from whom we have received the trust :—

> "Heaven's attribute is universal care,
> And man's prerogative to rule, but spare."

He may slaughter animals for his sustenance; he may make war upon them when they destroy his property, and mar his comfort; he may press them into his service, and compel them, within the limits of humanity, to do his bidding. This surely is enough. It excludes nothing which can contribute to our real wants and real happiness. All beyond, which trifles with life and inflicts pain, is useless, and therefore wicked, and, as opposed to the very nature of the Deity, cannot receive His sanction in ourselves.

If the above reasoning be sound, it follows, that not only on the ground of humanity to the animals concerned, but also for the advantage of society at large, the ægis of our statutory law should be extended to wild animals. It has been abundantly shown that cruelty towards such creatures extensively exists, and that the right to be cruel to them has almost settled into a conviction. If anything were needed to show the evil effects of our present law on humanity to animals, it would be this fact of demoralization. Let us not be deceived; this prevailing cruelty to wild animals, even though kept somewhat in check by the spirit of humanity to domestic animals, is an evil of stupendous magnitude. A great ancient teacher admonished his pupils for the good of society and for their own happiness ever to keep their hearts tender, and nothing can be more true than that, to take pleasure in the infliction of any kind of unnecessary pain, if not positively vicious, is dangerous, while it is equally true that every practice which, though not criminal in itself, yet wears out the sympathising sensibility of a tender mind, must render human nature proportionably less fit for society.

But it may be contended that an alteration of the law would interfere with country sports. Not at all—not necessarily, certainly. In the "Animal World," where this subject has been discussed, an answer is given to this objection. It says, "Why are some only of these shielded by the law? A solution of this mystery must be sought in the nervous anxiety of our legislators, lest by their own act they should be restricted in the liberty to hunt and shoot for 'sport;' but the blot on our Statute Book must be regarded as a blunder (to say the least) if the legitimate objects of sportsmen can be equally well secured without this partial and anomalous legislation. Humane sportsmen are probably the most furious in abhorrence of wanton cruelty, or of practices which are called 'unfair sport.' Many of these men, watching the signs of the times, contend that it would be better, instead of absolutely excluding certain animals which are victims to their 'sport' from protection against

wanton cruelty, to rely on the magistrate's definition of the word cruelty, and thus bring all animals under the operation of the Act." As the magistrate is now guided by public opinion in construing obscure phraseology as regards domestic animals, so then as regards others the recognized practices of society would have immunity before the law. Prosecutors are also governed by public sentiment, and can move only in unison with a prevailing sense of justice. If this be so the fears of sportsmen need not prevent a more Christian, as well as logical and complete, statutory protection of animals.

But, at all events, if the contrary argument be insisted on, the defence of sport has surely become desperate. Is cruelty to continue to permit of sport? Will the extension of the Act to wild animals prevent sport? If so, why? If there be no cruelty in them, it will remain—if there be, it stands condemned by this defence.

Finally, let me close with Lord Erskine's instructive words which contain the best argument I can conceive for the alteration I ask. He says :—

"The cruelties which we daily deplore in children and in youth arise from defect in education, and that defect in education from the very defect in the law which I ask your lordships to remedy: from the moral sense of the parent re-animated, or rather in this branch created by the law, the next generation will feel, in the first dawn of their ideas, the august relation they stand in to the lower world, and the trust which their station in the universe imposes on them; and it will not be left to a future Sterne to remind us, when we put aside even a harmless insect, that the world is large enough for both."

MISCELLANEOUS.

The Rev. W. C. Osborn, chaplain of the Bath gaol, read a paper on "Restrictions upon Imprisonment under Summary Jurisdiction for Minor and First Offences." * He said, in the prime movement of the reformatory school system, imprisonment, in addition to detention in a reformatory school, was never contemplated. The school was to be instead of the gaol, not an addition to it. The consequence of this had been that the number of children imprisoned had not much decreased since the passing of the Reformatory Schools Act, and there are still nearly 10,000 children sent annually to our gaols. The Reformatory Schools Act obliges the committing magistrate to send the child that is considered by him a fit subject for the reformatory school to prison for fourteen days. He showed that imprisonment in a gaol was a very serious matter, and that the imprisonment of children was wrong in principle, as well as useless in practice. This sinning against the child was partial in its application, for it affected almost exclusively the poorer classes of society. It produces more evils than it remedies. They did

* See *Transactions*, 1862, p. 521.

not want or require that either the poor should be punished for their poverty, or that the well-to-do classes should be disgraced with incarceration. He was decidedly in favour, not of levelling down, but of levelling up, not merely for the sake of the rich, but for the sake of the poor, or, in other words, adapting the law to the circumstances of the latter. He would suggest (1) that all expenses attendant upon the punishment of offences under summary jurisdiction should be defrayed by public funds, as under recorders, chairmen of Quarter Sessions, and judges; (2) that fines should be apportioned according to the condition of the offender, as well as the offence; (3) that fines might be allowed to be paid by periodic instalments; (4) that those who are unable to pay the fines from poverty or want of employment be expected to give some equivalent by labour at the union-house, or some other public institution or public work; (5) that on those unable to comply with these demands—children, aged, imbecile, and infirm persons—detention in a station house, or some punishment short of imprisonment be inflicted; (6) the mode of proceeding with children to be this, among other measures, that no child under sixteen years of age, apprehended for any offence punishable by summary jurisdiction, should be committed to prison, unless the child had been previously committed to a reformatory school.

The Rev. W. C. Osborn also read a paper on "Secular Instruction in Prisons and Unions." He said that before long they might fairly hope to see every child in the country, under the age of twelve or thirteen years, brought under the instruction of a schoolmaster or schoolmistress; but what was to be done for those children above that age, and adults, whose poverty or crime might bring them under necessary or compulsory detention? Without speculating upon the large proportion of inmates of prisons and workhouses that were unable to read or write, sufficient had been said to prove that there were some hundreds of thousands of adults in those institutions whose education had not only been neglected, but who were without the elementary knowledge which every human being ought to possess, and which every civilised nation ought to give to their indigent and demoralized classes. The remedy for this condition of things rested with the magistracy and Poor Law guardians. The country was greatly indebted to those gentlemen for their honorary but laborious labours, and would be under still greater obligations if they would seriously consider the subject of adult education for criminals and paupers in those national institutions within the reach of their official influence, and then take such steps as the importance and magnitude of the work demanded from them. The Prison Act of 1865 doubtless authorised the visiting justices to make adequate and efficient provision for elementary secular instruction in the gaols, and gave them power to direct its application for the purpose. But the Act, in its relation to rules for the secular instruction of prisoners, had been so disregarded that one of the most important means of reforming our

dangerous and criminal classes had been totally neglected in some gaols, and employed only as a form and a farce in others. In union-houses the idea of employing schoolmasters and schoolmistresses in the instruction of adults had been seldom entertained, although they contained even a greater number of uneducated persons than the prisons, and although instruction could be given in them in a more effective and convenient manner than in gaols.

Miss MARY CARPENTER read a paper on "Certified Industrial Schools, and their Relation to School Boards." The writer stated that these schools are related to reformatories in having the power of legal detention, and therefore being under the direction of the Secretary of State, while, on the other hand, there is no previous imprisonment, and therefore no stigma attached to the inmates. She gave a brief history of the reformatory movement, showing the principle on which these schools were founded, and their object as preventive institutions; and enumerated some difficulties which had beset the schools in consequence of their peculiar position, and showed how these might be removed. It was particularly necessary that the exact intention of certified industrial schools should be understood, now that the school boards were beginning a new era in the educational condition of the country. They must not be considered as applicable to those children who have hitherto been sent to ragged schools, or in any case as a remedy for simple destitution. For these last cases the workhouse schools should be made eligible; nor, in the other, should the country be made to pay 13*l.* per annum for thousands of children in our large towns, who might be educated and trained at the expense of a few pounds per annum from the local rates. They would, however, be most important auxiliaries to the school boards, if strictly limited to those children who require absolute removal by day and night from their present influences, and if payment for such were enforced from parents. In conclusion, she trusted that the difficulties which had arisen would in no way lessen the confidence of the public in them, or the due employment of them by the school boards, and recommended the following as a means of removal of the difficulties: — (1.) Granting a certificate to such schools as are boarding schools only without an admixture of day scholars, and withdrawing the permission for children to sleep out of the house except such as are regularly licensed out. (2.) Strictly limiting the admission of children to such as come under the meaning of the Act, and not extending it to cases of simple destitution. (3.) Using more vigorous measures to enforce payments on parents whose children are sent to industrial schools. (4.) Bringing workhouse schools under the management of a special board, elected for the purpose by the ratepayers, and thus introducing into the education of the children dependent on parochial relief that voluntary element which has been found so successful in the certified industrial schools.

EDUCATION.

EDUCATION OF NEGLECTED CHILDREN.*

How may the Education of Neglected Children be best provided for?

(The question considered in regard to Industrial Schools and their relation to the School Boards.)

MISS MARY CARPENTER read a paper on the above question. The paper commenced by remarking that the neglected and destitute children of the community, and what should be done with them, had been a subject for the consideration of the Association from its first Congress at Birmingham, in 1857. A quarter of a century ago the wretched condition of thousands of children was brought vividly before the public by the first attempt to establish ragged schools. It was repeatedly urged that whether the condition of these children was looked at from the stand-point of Christian benevolence, or as a matter of hard, dry political economy, the result was the same. It was well known that most of those who entered such institutions were grovelling in ignorance, low in morals, and uncivilised in manners. Reared in a pauper atmosphere, depressed in spirit, a large portion of them would themselves rank among adult paupers, and become the progenitors of a similarly degraded race. Others, whom a pound or two per annum given judiciously might have rescued, were now costing the State some 18*l.* per year in a reformatory, or, if that had been neglected, some hundreds directly, and far more indirectly, as convicts. The recent Act of the Legislature had evidently accepted the principle that every child in the country should have the means of obtaining education, and that it was the duty of the parents, or, in case of their inability or neglect of the State to provide it. Proceeding to consider how, under the provisions of the Act, school boards could grapple with the lowest class of the population hitherto untouched, the author pointed out that if the school boards provided a sufficiency of elementary schools, and enforced attendance, with the granting of free schooling where necessary, ragged or simple free day schools would then become unnecessary. The ragged schools were originally established to act on the very lowest class, but, as in the case of every similar movement, the improvement of the schools had attracted to them a class superior to those for whom they were intended. In proportion as this was the case many children would be left behind untouched, just as the Sunday school in its present condition did not, in ordinary cases, affect the class of

* See *Transactions*, 1864, p. 436; 1865, pp. 313, 371; 1866, pp. 307, 348. *Sessional Proceedings*, 1866, p. 155.

children who frequent ragged schools. After referring to the wretchedness prevailing in the lower parts of large towns, the author stated that all who were personally familiar with the condition of the worst parts of large towns were fully aware of the impossibility of extending elementary education in such districts by the establishment of any number of elementary schools, and that experience had proved that the ordinary ragged school could not grapple with the difficulty. In four courts visited by their agent in Bristol in March, 1871, it was found that only one half of the children between three and twelve years were receiving regular schooling, while in another district the proportion was only one-third, though every possible effort had been made to remove obstacles to the attendance of the children at school. After reviewing the history of the efforts made to reach the neglected and destitute children, the reader proceeded to consider the present position. It was evident then that the ordinary ragged school was absolutely unable to cope with the gigantic work to be done. Much had been done by the voluntary system, but, until some compulsory element was introduced, nothing more could effectually be done to touch this evil. The actual state, not only of the children, but of the families to which they belonged, must demonstrate to all that attendance at an ordinary day school would not be sufficient to improve these children. Their homes, their habits, and their general condition, were such that "compulsory attendance for the whole day, in a school where they will be fed and taught industrial work, and civilised as well as educated intellectually," would alone meet their wants. Such schools had long been established in the north of England, and in Scotland, with admirable results. The Education Act did not give school boards power to give this food, but boards of guardians could, if they thought fit, order payment to be made to the school for all children having claim upon the rates, and could enforce payment by all parents who neglected their offspring. The reader expressed the hope that in every large city the school boards would direct the special attention of their agents to every child in a neglected and destitute condition, and not rest until not a child could be found who was not brought under such educational influences as were adapted to his circumstances. The following are the suggestions Miss Carpenter recommended for adoption :—(1.) That a central office shall be established in connection with the school board, to which all cases of neglected or destitute children should be referred for future action. (2.) That the police shall be instructed by the proper local authorities to direct to this office all children whom they may find wandering about or destitute in the streets. (3.) That agents shall be appointed by the board for the different districts of the city, who shall use every effort to induce children to attend regularly the common schools, that is, ordinary National, British, or other pay schools, and apply to the board for payment where the parents are unable to give it. (4.) That application shall be made by the agents to the board on behalf of all children who are shown to be unfit for the common

schools for an order for their regular attendance at some day feeding industrial school, approved by the board as fit and proper, or supported by them with payment for education. Though a board cannot order attendance at any particular school, yet if the child is absolutely unable to attend any other school, it can require him to attend a day industrial school. (5.) That the board not being able to pay for the food of such children shall arrange with the guardians of the poor to send to a day feeding industrial school, approved by the board, all children above three years old receiving parish relief, with payment of not less than 1*s.* 6*d.* per week for the food and instruction of the child. (6.) That in all cases where it is practicable weekly payments for the food of the child shall be enforced upon parents, in relief of the expenses of the school. (7.) That all children who cannot be reached by this agency shall be brought before the magistrates for sentence to a certified industrial school, payment being enforced on the parent. In conclusion, Miss Carpenter hoped, therefore, that when there is an amended Educational Act there will be distinct provisions made for such feeding industrial day schools, in connection with the school board, and that these may have power to build and assist them, and send children to them by their agents, instead of bringing them before the magistrates to be placed under legal detention. By such extension of the present power of the board, and by a steady exercise of such power, in co-operation with voluntary effort, it may be hoped that the class of destitute and neglected children may no longer exist in our cities.

DISCUSSION.

Mr. C. R. Ford (London): The London Board appointed a committee to consider what could be done in conjunction with existing industrial schools. That committee procured a meeting of as many of the managers of certified industrial schools as could be got together, and afterwards of ragged schools. Much information was gathered at these meetings, and it was distinctly made known that the Board was anxious not to work in opposition to these existing agencies, but to use their machinery if possible. The practical conclusion arrived at was that measures should be taken to ascertain the number and capabilities of the various reformatory schools throughout the metropolis, and also whether the number of boys that could be picked up out of the streets would exceed the accommodation. Upon the first point the committee found there were vacancies in existing schools, and accordingly reported that no industrial school should be built by the Board until all those vacancies had been filled. They also recommended the appointment of officers to take the children from the streets, and to send them to the industrial schools. On enquiry, they found a similar officer to that described by Miss Carpenter as being at work in Bristol was at work in London, acting under a voluntary association, and that he had been for some time taking any boy he thought could be dealt with under the Industrial Schools Act. It may be supposed that any little ragged boy that may be found in the street can be dealt with under that Act, but such is not the case. The parents of these boys let them roam about idly, and it is not fair, nor according to law, that such boys should be taken off their hands, at a charge upon the State of 13*l.* a year, simply because their parents neglect their duty. It is, therefore, only a selection of boys with which we can deal under the present law. During the five years this officer has been at work in London he has taken up 700 children, every one of whose cases had been thoroughly enquired into. Cases of attempted imposition are not un-

frequent. A good many of the boys were placed in certified industrial schools. Many could not be so dealt with, and had to be placed in voluntary refuges, and the fathers came under the Reformatory Schools Act; some others were simply taken to their parents, who were cautioned that if they allowed them to run about the streets they would lose them. From this part of his experience he corroborated Miss Carpenter's statement that only the worst parents wish to get rid of their children. As regards the cost of dealing with these boys, the Board has made an agreement to pay the industrial school managers, and the scheme is found to work remarkably well as far as the limited powers of the Industrial Schools Act goes. A slight amendment of the Industrial Schools Act might enable us to provide feeding schools at the expense of the Home Office. What we want to meet the case is power to apprehend all the destitute children found in the streets, and to take them to a feeding day industrial school by a government order.

Mr. A. H. Safford (London) had watched the working of the Industrial Schools Act for some years, and was sorry to say the amount of work done seemed to him but a drop in the ocean. In Surrey, Protestant schools for boys cannot be got, although we can get plenty of Roman Catholic schools; but as far as Southwark is concerned he was of opinion that we could fill more industrial schools with advantage, than we could raise money for. He had found in the course of his experience that when a parent had succeeded in getting one child into an industrial school he is exceedingly anxious to get another in. He also found that those most anxious to get their children into industrial schools are not their natural guardians, but their step parents. It not unfrequently happens that such parents leave money about as a temptation to their children, that they may then charge them criminally, and so get them sent to an industrial school because it is well known that a boy who comes out of an industrial school has a better start in life than those who have not had the advantage of the training obtained there. We cannot depend on the parents even were they well disposed. The mother, in most cases, goes out washing all day, and the father cannot be expected to stay at home to see that his children go to school, so that we must invent some other machinery. In New York they have a list of all the children who should be at school, and the officer compares that with the children in the school. The absentees are then inquired for, and if they are absent from no proper cause they are searched for in the street and taken to the school. If, after repeated delinquencies of this sort, the boys are deemed incorrigible they are then removed to an industrial school. The onus should be upon the parent in the first instance to send the children to school. If they are unable to control them then the parent might relieve themselves of the responsibility by formally calling upon the school board officer to see that the boy went to school. Failing this, the parent should be held responsible, and punished for neglecting to see that his child went to school. We are punishing persons for neglecting to observe laws for public health, surely we should do the same by those who neglect the laws for public morality and education.

Mr. Thomas Chatfield Clarke (Member of the London School Board): The London School Board, with a view to saving the ratepayers' money, decided not to do anything towards the building of industrial schools so long as there is accommodation in existing institutions in the neighbourhood of London. At present, boys carrying on any ostensible occupation cannot be taken before magistrates, and it is a most difficult matter to discover when the occupation is a *bonâ fide* one. A boy may carry a single box of matches in his hand from one week's end to the other, and his parents may assert that he is engaged in an occupation necessary for the support of the family. In such cases, which may almost be regarded as cases of systematic beggary, the children do not come under the Industrial Schools Act. This is one of the difficulties with which we are now fighting in London, where we have five officers continually at work. They are men of considerable experience in dealing with the poor; they maintain their position with firmness and judgment, and are not unnecessarily harsh. As to feeding poor children in day schools, that is a question which is now cropping up in the London School Board. The question really is how many of the ragged children can be got into the school unless there is power to feed them in the middle of the day. By Miss Carpenter's plan, money would be abstracted from the pockets of the ratepayers,

many of whom are themselves only just removed from the pauper class, and I doubt very much whether there would be any advantage derived from the school by children who return in the evening to homes where they are not under good influences. Then, again, many parents would send their children to the school for the sake of the dinner, and not for the sake of the instruction. It is so now with regard to Sunday schools. Many parents send their children to Sunday schools rather for the sake of material benefits than educational advantages. We have also to deal in London with another practical question. The guardians hitherto have paid large sums for the education of the children of the out-door pauper class. In one district of the metropolis 800 children are paid for by the Poor Law guardians, and they are now asking that this cost should be taken off their hands by the School Board. Hitherto the Board has not consented to do this, and it is a question that demands considerable attention. I do not think it right the Board should at once take these children off the hands of the guardians, who in my opinion have better means of ascertaining the actual position of a poor man than the Board has. It may be interesting, however, to some here to know that if the School Board sanctions the elaborate report that has been prepared by the committee, it is hoped that by establishing local officers *all* through London we shall be able to get clearly and accurately at the position of the poor in the various localities, and to deal with each district according to its wants. At present we see great difficulty in relieving Poor Law guardians of the payment for thousands of children at school, which is in fact a sort of out-door relief. How we shall direct the efforts of officials sent out to gather children into industrial schools; how we shall make those efforts more successful in gaining in the class we desire to gain in; how we can feed the children in our schools without creating an amount of pauperism in the future; and how we shall do them good permanently, unless we take them away from the bad influences of the homes of those they are compelled to live with, are all questions which the Board has continually before it.

Mr. William Botley (London) stated that the boys and girls in the North Surrey Industrial School were turned out very good servants. He congratulated the Section on the feeling in favour of compulsion.

The Rev. Dr. Rigg (member of the London School Board) could not help feeling that we are in somewhat of a dilemma. There is no small difficulty in getting children to industrial schools, and there is great difficulty in deciding what the organization of the school should be, because it must be in the nature of a home as well as a school. It is also the essence of the system that it should be to some extent voluntary. Miss Carpenter insists that the children must be fed, and if they are there is very little choice between feeding schools and industrial schools. It had been truly said that so long as the children go back in the evening from feeding schools to homes where they are under bad influences, their education will be carried on under a great disadvantage; and, if they are not to be under that disadvantage, they must be taken to the industrial schools. This is our dilemma. It had, however, occurred to him that it might be possible to allow the children to spend half the day in such occupation as they followed, and the other half in the school. By this arrangement the children would not be prevented from doing something for their living, and parents would not be deprived of whatever earnings they might make. If we take away the children altogether, and call upon the parents to contribute towards their maintenance and education, he was afraid we shall not be able to carry it out. Great as are the theoretical and the economical difficulties, however, the evil will be in some respects remedied by giving the children dinners. But whatever is done in this direction must have the inevitable tendency to pauperise unprincipled parents, to whom everything in the nature of relief does harm.

The Rev. Brooke Lambert (Prescot) said some compromise, such as that suggested by Dr. Rigg, would be most valuable; but no system of feeding ragged school children ought to be assented to without very grave consideration. Dr. Rigg has argued that if you do not feed these children in a day school you must send them to a certified industrial school, and whichever course you adopt you will pauperise their parents. There is, however, one important difference between the two courses. The one thing people of this class dread is being taken before the magistrate, and this disgrace is the greatest bar at the present time to these

people throwing their children on the charity of industrial schools. On the other hand, if you open these schools with dinners you multiply the evils of the old ragged school. Why have we, in former times, opposed Miss Carpenter in her efforts to get government grants for ragged schools? Without adopting the principle that there was nothing needed in the school but a stick and a Bible, we have always insisted that the discipline of the ragged school was lower than the pay school, and we felt sure that by offering free education we should be tempting into these schools a class which had no business there. Miss Carpenter admits that these schools have been used by those who ought not to be there, yet we are now asked to promote schools offering the great temptation of a good dinner. Not only would it pauperise the parents, but it would be a very strong temptation to them to let their children wander about the streets ragged, unwashed, and unfed, a course of treatment to which the children must inevitably succumb. If the plan should be tried by the London School Board, he trusted that, instead of its being generally introduced, the experiment would be made in one district only. There is, however, only one true solution of the question, and that is the rigid enforcement of the principle of the Poor Law. If the parents are unable to exist without the earnings of their children, then admit both parents and children into the union, and there take care of them. Nothing do parents hate so much as a strict enforcement of the English Poor Law; it is a stronger deterrent even than fear of the magistrate.

Mr. Mark Whitwill (Bristol) said what we have to do is to prevent a new generation growing up as bad as the present generation of parents. He knew of a district in Bristol where, within a radius of seventy yards, there were 113 children who, through the drunkenness of their parents, are utterly neglected, who are running wild in the streets, who beg and steal and get their living anyhow, who get nothing from their parents, but just enough to keep body and soul together. In one case there are four children whose father is dead, and whose mother goes out all day, and returns drunk at night. It would be a mockery to offer such a child a book, when his chief want is bread. He was therefore most anxious to see some plan adopted such as that described by Miss Carpenter.

Mr. Bushell said he was sorry to find so strong a feeling against day feeding schools. It is simply impossible to provide for the dense mass of children to be found in all large towns by means of industrial schools. Such schools do not exist in sufficient number, and if the industrial school system is to meet the necessities of the case, it will have to be extended very largely indeed. Against this there are many reasons, not the least formidable being that of cost. If no other plan can be adopted, and if the Elementary Education Act is to be efficiently carried out, there must be a mid-day meal. You cannot put a book into a child's hands, with any hope of improvement, if he has an empty stomach. The children must be fed. He did not fear the result of sending children back to their homes, after they have been under training; but he would take care to keep the children under training as many hours as possible. He would get them to the school as early as possible during the day, and keep them as late as he could. In order to prevent the danger of pauperising both children and parents, he would provide some industrial employment for the children during the mid-day hours, by which they should earn their dinners. This would prevent the violation of the principle so earnestly insisted on by some, that the children should not be fed gratuitously, and that the parents should not be deprived of the advantage to be gained by the parents from the labour of their children. Then, as regards sending the children home to their parents, he asked whether it was not more likely that the children will influence the parents for good, than that the parents will influence the children for evil. At present these poor children have not presented to them any contrast between poverty and comfort, between cleanliness and filth, between morality and immorality, between the comfortable home of a school and the miserable dwellings in which they live; but bring them once to school, present to the child's mind these contrasts, and then you may hope that you will disgust the child with the home of its parents, and lead it to indoctrinate, as far as a child can, the mind of the parent with the feeling and spirit of the child. If that be impossible, at all events we may hope that the child will grow up with different hopes, different habits, tastes, and aspirations from those of its parents. When the Elementary Education Act

comes to be amended, as the experience of school boards may suggest, he should be glad to see provision made in the amending Act for feeding the children. As to the objection that this would be a great cost to the ratepayers, he remarked that we have already to bear the cost of workhouses, prisons, police, &c., and that there is no tax that falls so heavily upon us as that entailed by pauperism and crime. The cost incurred by feeding and educating destitute children would lead to the material reduction of this tax. He was strongly of opinion that compulsory attendance at school should be carried out, or the Education Act will become, in large towns at all events, a dead letter. He did not think compulsion should be an optional matter with school boards, but should be altogether compulsory by Act of Parliament. We find that the attendance of children between three and five at our infant schools stands at a higher average than children of any other age. This is simply because the parent is delighted to get rid of her children for the day, and have them taken care of. Let us seize upon the children of between three and five, and see that they are all put to school, and that none of them escape by reason of the poverty of their parents. Let us do with our young children as we do with our young trees, seize upon them while they are young, bring them into the school while they are infants, and having got them there, do our best to keep them.

Miss CARPENTER said: In the first place, she wished it to be distinctly understood that the certified industrial schools are absolutely outside this question. When she asked Mr. Law what was to be done with these millions of children, he answered—the certified industrial schools must undertake their education! She asked him whether he was serious in proposing that the country should be taxed at 15*l.* a head for every child whose parents would not, or could not, send it to school. We must, in considering these questions, deal with pounds, shillings, and pence. The moral argument is no use in the world in presenting a scheme before the country. We must deal with the money part of the question, and when we do so we see the immense absurdity of supposing that the certified industrial schools and reformatories form a panacea for the evil of which she complained. The London School Board has begun very wisely in seeing how far they are a panacea, and they have discovered that it is only a child here and there that can be sent to the industrial schools. In the statistics she had given, it would be found that there are eighty-four children in one district who are not receiving proper education, and only one was sent to a certified industrial school. We have two industrial and one ship-industrial school at Bristol; but the ship is only half full, and it cannot be filled. The only way of getting a child into it is to get the police to watch that child closely, and see whether he can justify his being sent to the industrial school. But if this can be done, the parents do not like the children being taken away from them against their will. You cannot look to the industrial schools as a means of overcoming the evil. Sheriff Watson, of Aberdeen, tried for years to overcome the difficulty by offering a dinner, but this was not enough. He found that the better class of children were glad to come to his school and eat the dinner, but the vagrant class remained untouched, because they preferred their idle life, and because their parents preferred to have them at their beck and call. Sheriff Watson, therefore, resolved upon another plan; he secured a large barn, and, being sheriff, he was able to go to work in a more authoritative manner than another. He told the police upon a certain day to bring all the children they could find in the street vagabondizing about, and they brought them. The scene was awful from the kicking and struggling, but he gave them a dinner, he gave them some instruction, and he gave them another meal in the evening. He said his proceedings might be considered as a breach of the liberty of the subject, but he did not think he had done more than give them a rough invitation to dinner. At any rate, in the evening, he told them to come again, and they would find a dinner, instruction, and work provided for them. "I cannot make you come," he said, "but I can take you up if you won't come, and will vagabondize in the street." The consequence was that, in the course of six months, the 300 or 400 vagrants dwindled to two. This is a simple fact. Vagrancy was annihilated in Aberdeenshire; but it would not have had its death-blow if Sheriff Watson had not gone a little beyond the ordinary powers vested in sheriffs. The school boards have that power which he assumed. But then comes the question of ways and means. She had tried half measures. She had, in individual cases, made ragged children into

respectable tradesmen, without going against the laws of political economy. Her plan is first to have the children at school by eight o'clock to a good breakfast. She would give them a dinner, a very plain and inexpensive but substantial dinner, made well of soup and a little bread, in the middle of the day; and she would give them another meal, perhaps of porridge, or cocoa and bread, palatable and wholesome, before they go home, it may be, at seven o'clock. She would keep them the whole day under civilizing influences. She should make it a half-time school, and give some time for play, which she thought very important. As regards the contaminating influences of the home, Mr. Bushell spoke the truth. Mr. Sheriff Watson and Dr. Guthrie found the children were not contaminated. Their minds would be occupied all day, and be trained to take a pleasure in what is good, because the mind does take a pleasure in what is good intuitively. Now, grant that the feeding school ought to be tried, she would not advise that the School Board should establish a number of such schools all over the City. Let the School Board subsidize in a right way, but not give anything for food. Nor would she let the Secretary of State give anything for food. He must do so in the case of the certified industrial schools, but the children in that case are in his hands. How, then, should the food be obtained? Let the guardians pay for the school fee, and for the food. Let them pay not less than 1*s.* 6*d.* per week to the managers of the school, that is all that the school and the food would cost, and the guardians would be certain that the children would not grow up paupers. In the case of the elder children they would very nearly pay for their own food. She had had boys earn several shillings a week by wood-chopping, which is an exceedingly profitable trade, and a trifle may be got from the parents. Many would pay 2*d.* or 3*d.* a week to have their children off their hands in such a school as that, with the knowledge that they would be properly cared for, and she felt sure that the managers of such schools would make the school itself find the rest. Where in such a system is the premium upon pauperism? Nowhere.

How may the Education of Neglected Children be best provided for? *By the* Rev. Brooke Lambert.

(Dealing with the second point in the Special Question:—In what form, if any, may Compulsion be best applied?)

I PROPOSE in this paper to assume that compulsion should be applied, to trace first the position of school boards with reference to it, suggesting in passing any modifications of the system which may seem necessary, and then to proceed to the consideration of what further national legislation on the subject may be required.

In examining the subject we shall do well to remember that of the nations which may claim to have an influence on the history of the world, only Prussia and Switzerland in this hemisphere, and in the western hemisphere only that part which falls under the dominion of the United States, have a compulsory law. We shall do well to remember further that in Prussia the compulsory law is a theory rather than a fact, seeing that* "in the year 1869 there were only ten prosecutions of parents for not sending their children to school in the whole of Prussia and Saxony, containing a population of 26,200,000, and this not because the law was insufficiently administered, but because education is so highly prized." On the other hand, in America, where a general compulsory law exists,† "the attendance is no better, indeed hardly so good, as in the average of

* Spence Watson's Report to the Newcastle School Board, p. 4.
† Fraser's Report to Schools' Inquiry Commission, p. 96.

schools in England." It is further to be remembered that in two European countries, Scotland and Holland, which set us the example in educational matters, there are no compulsory laws, and that in Switzerland, whilst in the canton of Zurich the attendance* seems to be co-extensive with the population, in the French cantons the attendance is far from satisfactory, and was in the years 1846-58 steadily diminishing.† In Tasmania, and Australia generally, we have the testimony of Mr. Pears, that without compulsory laws education is general, and that the subject forms one of the regular hustings' questions. These facts may serve to enforce the theory, which space does not allow me to argue out, that attendance at school is regular in proportion as the public conscience is awakened in the matter; that without this, compulsory laws become a dead letter; that with this, laws become useless, or that without laws it achieves the end which they are designed to bring about. I have no statistics to show how far law may create a public conscience on this matter. I have tried to get figures to show what proportion of convictions were returned in countries, where compulsory laws exist, immediately after their enactment, hoping to discover a diminishing proportion in each successive year. I have failed. A plausible statement in the Connecticut Nineteenth Annual Report,‡ namely, "In Prussia in 1819 compulsory laws requiring every parent to educate his children were enacted. At first there was violent opposition, and the usual hue and cry of invaded rights, but in twelve years crime and pauperism had diminished 40 per cent."—is declared on the authority of Dr. Neumann of Berlin to be a pure invention. And yet, whilst I have Dr. Neumann's authority for the statement that legal compulsion alone has been the means of producing the satisfactory results where satisfactory attendance exists, facts are somewhat contradictory. For instance Mr. Mark Pattison's figures, shewing § a decrease of (540-302) 238 convictions in the three years between 1847 and 1850 after the enactment of some modifications in the compulsory law, are balanced by the statement that in the years succeeding 1850 a large increase in the convictions had taken place, till in 1856 they had risen to 1780. On the other hand it would seem, from Spence Watson's Report quoted above (based on a statement of Mr. Matthew Arnold), that since then the public conscience has been awakened. Yet with Mr. Pattison's figures before us, we can hardly attribute to law alone this satisfactory result.

I pass at once to the consideration of the position of our school boards with reference to compulsory education. The law of 1870 (33 & 34 Vict. c. 75, s. 74) empowered school boards to make bye-laws enforcing attendance at school on all children between the ages of five and thirteen, and allowed them to prescribe the time during which such children were to attend, and to grant partial or total ex-

* Spence Watson's Report, p. 3.
† Matthew Arnold's Report to Duke of Newcastle's Commission, Vol. IV., p. 126.
‡ Quoted by Fraser's Report, p. 41.
§ Mark Pattison's Report to Duke of Newcastle Commission, Vol. IV., p. 194.

emption from attendance, to such children as were certified by Her Majesty's inspectors to have attained a specified standard of education. Now to most persons not versed in educational matters, it may seem that having this law there is little left for schoolboards to do but to pass a stringent law, and enforce it by means of the magistrates. Educationists know very well that, besides the difficulty of framing bye-laws which shall not press unduly on the parents, the mere power of compelling a child to go to school (or to get his name entered on a school register) is valueless, unless some further means are taken to procure the regular attendance of those children whose names are borne on the books. The bye-laws of Bootle-cum-Linacre, a suburb of Liverpool, may serve as a sample of the laws which have received the sanction of the Committee of Council; indeed, I have heard from a gentleman whose information on these subjects is almost official, that they are considered by the Committee of Council to form a satisfactory model. Liverpool, Stockport, Oxford, and Blackburn, have adopted bye-laws almost identical. Birmingham has adopted the general form with some admirable alterations. By these bye-laws power is taken to enforce the attendance at school of all children between the ages of five and thirteen, unless, in the case of children over ten they have passed the fifth standard, in which case they are school free, or unless they have passed the fourth standard,* in which case they may compound by an attendance of fifteen hours per week, *i.e.* by half-time attendance. And so far the bye-laws seem excellent; but on looking at the notice to the parent by which this attendance is to be enforced, we find that the parent is charged to send his child to school within fourteen days. Supposing he does not comply, then a second notice is to be served, requiring his attendance as a meeting of the School Board at —— date. Now let us take a case, and see how this works practically. Thomas Jones is served with a notice to send his child to school. He determines to disregard the notice, and after fourteen days the official calls again, and summons him to attend a meeting of the school board, and show cause. He attends, and makes some excuse, and is allowed, as he certainly will be allowed, a fortnight more to get clothes, and then, finally, he sends his child to school. Here we have certainly a month wasted in preliminaries, but that is not of much importance if we have secured the attendance of the child at school; but after a fortnight's schooling, the child becomes irregular, and eventually drops attendance. Then the school officer calls again, the same formality has to be transacted (the notice is only [in Bootle, Liverpool, Oxford, Blackburn, Stockport,] made out for fourteen days—in Birmingham the first notice is for fourteen days, in the subsequent notices the time is diminished), another fortnight's notice, another attendance at the school board, which probably does not sit immediately at the expiration of the notice, this time only a week's

* Birmingham makes children school free after passing the fourth standard, and half-timers after passing the third.

excuse, and then the old state of things recurs. This is what would occur in a country village, and in smaller towns, where a man can easily be traced. But in our large centres, the proceeding would be a little varied. Here Thomas Jones would attend or not to the notice, but be sure of this that when it came to exacting any penalty, he would adopt the same plan with the school board which he adopts with his landlord and creditors universally; he would disappear, and leave not a "rag" behind;* disappear to carry out with another school board, as he does with other landlords and creditors, the same game of hide and seek. Or at best he would, if summoned for the non-attendance of his child, plead some fault in the particular school, receive orders to send his child to some other school, and the child would be sent from school to school at intervals of three weeks, to disorganize the classes, and wear out the patience of successive teachers. This is no imaginary picture. I take the figures of my own school in the parish of Whitechapel, where we had to deal with a class of children of this sort. Of the children on the books we only managed to get (in 1865) 28 per cent., and (in 1867) 37 per cent. to attend the 200 times—and taking the number of children who were in attendance at the school at one time, we found that—

72 = 51·42	per cent.	had attended	less than 1 year			
28 = 20·0	,,	,,	1 year,	less than 2	years	
15 = 10·71	,,	,,	2	,,	3	,,
17 = 12·13	,,	,,	3	,,	4	,,
8 = 5·71	,,	,,	4	,,	6	,,
0	,,	,,	more than 5 years.			

Now these figures might be considered exceptional as referring to a school in an unfavourable locality; but it is to be remembered that it is in these unfavourable localities that these bye-laws will have most frequently to be put in force. But the general average of attendance throughout the country as shown in the Annual Report of the Committee of Council on Education for the current year gives figures but little more favourable. The table (p. 3) No. 3 gives the following figures—

AT THE SAME SCHOOL.

40·31	per cent.	have attended	less than 1	year		
23·3	,,	,,	1	,,	2	years
15·0	,,	,,	2	,,	3	,,
9·44	,,	,,	3	,,	4	,,
5·8	,,	,,	4	,,	5	,,
6·15	,,	,,	more than 5 years.			

I am persuaded that the more the fact of irregular attendance is impressed on the minds of those interested in education the sooner we

* In Whitechapel, out of 1198 cases of prosecution for non-compliance with the Vaccination Act, one-third could not be proceeded with because between the time of the service of the notice and the time allowed for compliance they had disappeared. *See* "Sessional Proceedings," Vol. III., No. 9, p. 159.

shall get what must come some day—schools arranged geographically to accommodate certain districts, and when we have these, it will be more easy to deal with this (I use an epithet none too strong) gigantic evil. But meanwhile with these figures before us, what becomes of any attempt merely to secure the insertion of a child's name on the school register? And how can the bye-laws be said to attack the real difficulty? Here we have one blot, happily one easy to be removed, in the bye-laws sanctioned by the Committee of Council for many large towns. The bye-laws must at least be made to conform to the Birmingham pattern in this respect, and the School Board must have meetings not less than once a week in order to make the short notice of practical use. The Blackburn School Board attempted to meet the difficulty of irregular attendance, and proposed a bye-law forbidding the parent to transfer his child to any other elementary school within the year, or before such child had been presented for examination, but the Committee of Council ruled that this stipulation was not within the limits of the Act.* Other school boards have tried to meet this difficulty by defining the attendance which shall be paid for in the case of the children of the very poor (the most irregular class), at a certain minimum, thus throwing the onus of securing attendance on the schools. This is a wise regulation, but managers of schools, who have long been waiting for a compulsory clause to fill their schools, will get but cold comfort out of it. The screw of poverty has not yet enabled them to make their attendance regular. However, the plan is worth discussing, for without it payment for children will only promote irregularity. The Bristol Board had met the difficulty very ably, and I much regret to learn that the plan has since been so much modified that the best part has been eliminated. Their proposal was to assume that attendance meant ten attendances per week, and to allow the attendance in no week when the absences amounted to four to count. From time to time the attendances would be added up, all weeks in which the child had attended less than six times would be discarded, the attendances in the other weeks added up, and the sum divided by ten would give the amount of weeks to be paid for. Unfortunately the plan has been watered down till full payment has been allowed for any week in which five attendances have been made. This is almost as weak as the Liverpool plan of payment of $\frac{1}{2}d.$ for each attendance. It presents no new inducements to schools. I think there is more yet to be done in this matter by the personal influence of the schoolmaster, and that if he visited his scholars as a clergyman visits his parishioners, a very great increase in the attendance would accrue. At any rate, as I have before said, it will not do to

* The Blackburn School Board had made a calculation by which it appears that 29 per cent. of the full-time children in that town are always absent from school. The Council Office Report gives no statistics by which we can gauge this in reference to the whole country, but the total number on the school books for 1870-71 was 1,949,026, and the total in average attendance was 1,355,911, giving an average of 69·54 per cent. present, and 30·46 per cent. absent.

let go our hold on this as one of the means towards securing regular attendance. Let us now turn to the regulations of the London School Board, who seem to me to have attacked the question of compulsion in a very practical way. Their bye-laws, like the others I have quoted, provide for the exemption of children over ten from school attendance if they have passed the fifth standard. But they further allow any child over ten years of age, who can prove to their satisfaction that his work is necessary to his parents to compound by a ten hours' attendance per week (*i.e.*, two whole days, or five half days). They have not at present formulated any system of fourteen days' notice and summons to parents. They have substituted for this what one of the members of the Board has described to me as an elaborate system of worry, reserving the summons for such cases as are certain to ensure a conviction before the magistrate. This is the wisest of policies; to invoke the law too often, to make it do the citizen's work, is unwise. To carry their plan into effect they propose to establish, in each of the ten districts into which London is for school board purposes divided, a committee, and each divisional committee may appoint sub-committees to whom it will delegate its powers. These committees will divide their respective areas into districts, each to be under the control of one visitor. The committee will direct and control the visitors, who will have to schedule the names and addresses of all children within the school age, showing in the schedule the particulars of the school attendance, or non-attendance, of each child. The visitor will furnish the master of each school with the names of the children in his district who ought to attend, and the visitor will further report to the committee all cases of the infringement of their bye-laws or of the Workshop Act. Absence for two half days or one whole day in the week is to be an offence against the bye-laws, and frequent irregular attendance is also to be considered a breach of such laws. The families in which the breach of the law occurs will be visited, and notices will be served on them to attend before the committee, and the committee will at its discretion admonish or punish. In their report on the scheme the Committee recommend that the visitors appointed to carry out the laws shall be women, such as district visitors and others, who have had experience of the poor. They hope that many ladies will be found willing to undertake the work. The advantage of this plan in making the interference as little obnoxious as possible, and in making the machinery distinct from that used to put in force the Industrial Schools Act, is undoubted. It remains to be seen whether the class of visitors whom they hope to retain will be able to do their work, and on this point I have my doubts, mainly because the districts where the irregular attendance will be most glaring will be the worst furnished with those from whom such help can be obtained. In other respects the suggestion is most valuable. We want as little as possible of the policeman in the work. But *the* feature of the scheme is the appointment of an attendance committee to carry out the bye-laws, and the resort to the law in the last and not in the first

instance. This feature, it is to be hoped, will be kept in view by other school boards. From Manchester I have no very definite information, but I have reason to believe that a somewhat similar system is under discussion. In Newcastle a very elaborate plan founded on the foreign system has been formulated under the auspices of Mr. Spence Watson. Here the district school board will keep the register of all children within the school age, and having once a year in the summer served notices on all the parents who have children just attaining five years of age to send such children to school, they will examine the monthly returns of such school to see how far the two lists correspond. Inquiry is to be made where the children do not attend by an officer of the school board; the parents are to be summoned to attend the board; and on the statements of the parents the complaint will be discharged, suspended, or continued. If continued, the district board may enforce the bye-laws of the school board, and all proceedings are to be submitted to it. Here again we have as the prominent feature the establishment of what I may call admonition committees, with their appropriate officers. These are most essential. We wish to promote education, but in order to have the country on our side we must provide that it be wisely enforced. We must beware lest the law fall into discredit or disfavour. The law will fall into discredit if its provisions cannot be enforced, as has proved the case with the Industrial Schools Act; and therefore we must have committees to examine very thoroughly into each case, so that none but such as are absolutely sure of conviction are taken before the magistrate. The law will fall into disfavour, and create a feeling against education, if it be too harshly applied, and therefore each case must be examined on its own merits by an equitable rather than a judicial authority. Before I pass on to the question of general legislation, I have a suggestion to make with regard to the further action of school boards. I think that if school boards were to take power to levy the school rate, in districts where it was deemed desirable, in the form of school pence, or to levy the school pence as a rate, such a plan would much facilitate regularity of attendance. When the committees formed on the plan suggested by the London and Newcastle School Boards are provided with the statistics of the families in their districts, they should assess the school wages payable by parents with children of school age, according to the number of those children, and then school wages, levied as a school rate, would be paid weekly, either to the schoolmaster or to the visitor of the board. The families would be divided into three classes:—(1.) Those who, though living among the very poor, could afford to pay a higher school wage (*i.e.*, publicans, and shopkeepers of the better class); (2.) Those who could only pay the ordinary school fee; (3.) Those who could be excused payment on the ground of poverty. Perhaps the best plan would be, to let class 1 pay the school rate (as well as the school wage), for they would almost invariably be householders; to give to class 2 a certificate of ex-

emption, on condition of the payment of school wages; and to give to class 3 an absolute exemption. For under the theory of the Act, all who are not under the age of five, or over the age of thirteen, ought to be paying school wages, unless under some exceptional circumstances. To collect from them, therefore, what they ought to be paying, is no hardship, and when it becomes a hardship, they have the school board committee between them and the magistrate. It is a simple and effective way of bringing home to the parent his duty. In most cases it would be collected without difficulty by the schoolmaster, but when the child was absent, or the school wage unpaid, the officer of the board would be called in. Such a system of regular payment of school wage enforced by law, and recoverable as a debt, would be a most valuable stimulus to regular attendance. Those who know what an influence a wet Monday has on the week's attendance, and how, after missing a day, parents often keep their children home for the whole week, lest they should not get their full twopence worth, will see that the payment of the fee, whether the child were present or not, would have a most valuable influence on the attendance. This is, in fact, the plan adopted in Lower Canada, and the effect is thus described.* "The liability of attendants and non-attendants equally to this payment (which, though capable of being legally enforced, is not always exacted), is considered by the superintendent to be one of the surest means to obtain regular and numerous attendance." This, it is to be remembered, is the system in Germany.† "In Saxony each commune fixes its own cataster, in which every family is rated at so much. The principle by which it must be guided in laying this assessment is, how much the parents can afford to pay, not how much is required to cover the cost of the school. These sums so assessed are school fees. They are collected by the school board officer." . . . "In Saxony, as we have seen, the principle of the rate is a combination of a personal and a property tax. In other countries it is a purely personal tax: so much a family in Wurtemberg, so much a head in Brunswick." It is satisfactory to learn that the cry raised for free schools seems to be dying away. The opinion of practical educationists will always be, that the payment of a fee is a very important aid to regular attendance; and, theoretically, the parent had just as much right to claim free schooling before as he has now. If contribution to taxation entitles him to exemption, then, inasmuch as a third‡ at least of the school expenses are paid out of the general

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* Fraser's Report to Schools' Inquiry Commission, p. 295.

† Mark Pattison's Report, p. 185.

‡ In Prussia—

Local taxation (including school fees) produces	71·64 per cent.
Endowments	7·22 ,,
General taxation	21·23 ,,

of the whole expenditure on education.—M. Pattison, p. 187.

In England—

Local payments, subscriptions, and school fees	61·37 per cent.
Endowments	4·13 ,,
Other sources	1·62 ,,
General taxation	33·85 ,,

taxation of the country, he is entitled to claim free schooling now; and any additional amounts he may be called upon to pay will be duly weighed, when the committee investigate, as they will have to investigate, whether his expenses are in proportion to his earnings so large as to entitle him to a reduction of the school wage, or to entire exemption from it.

I now pass on to the question of general legislation. Hitherto we have considered methods for obtaining regular attendance, so far as these could be brought to bear upon the parents. The school boards can deal with them only; the State can deal with employers, and the best fulcrum we can obtain for our purposes is gained by rendering the employers responsible. They can be found; they cannot move away directly a prosecution is instituted, and they are morally liable, for the bribe of employment is too great a temptation for the parent to resist, when his child's earnings will add to his small income.* The Workshops Act, and the Half-time Act, are instances of the interference of the State in this matter. The former (the Workshops Act) has hitherto failed in its operation, because it has not hitherto been put in force. Whether the employment of Government, in place of local inspectors will do all that is required may be doubted, seeing that the test of age is one most difficult to apply. One of the school inspectors in his report of this year (if I mistake not), says, that he found on asking the age of a child, the reply given in the form of another question, do you mean the real age or the mill age? Were it possible to ticket a nation as is done in foreign countries, undoubtedly the plan reported by Mr. Mark Pattison to be in vogue in Saxony † would be the simplest, "Every day the child misses without valid excuse is marked in a book. These missed days are not counted in the eight calendar years, which must be made good." This system is not feasible in England, but a modification of it may be tried in the cases of all children who come under the Half-time or the Workshops Act. First, let these Acts be so altered as to provide that no child should be allowed to work at all in factory or workshop unless he had passed the third standard (say)—for strange as it may seem the Half-time Act has worked against education, since some parents have argued that, since their children must go to school when they go to the mill, they may as well wait till they go to the mill to go to school. At any rate there would be no great harshness in this proviso. Further let it be enacted that no one should be allowed to pass from half to full time on a mere certificate of age, but only on the production of a certificate that he had passed the fourth or fifth standard. This clause with suitable variations should be added to the Industrial Schools Act. The effect of this would be to make uneducated labour unsaleable in the market, and whilst it would make the employer the culprit in case of a breach

* Apparently, not really; for the amount spent in child labour is in most cases subtracted from the wages of the adult.

† Report, p. 195.

of the law, and so ensure its enforcement, it would also act indirectly on the parent, who would be compelled to educate his child if he wished to touch his wages. The next suggestion I have to make is one which I always connect with the name of a valuable member of our Association, Mr. Clay, who in a letter to the *Daily News* at least six years ago mooted a plan, which he afterwards developed at the Conference on the Manchester Education Bill, in 1868. I cannot tell why it has not attracted more attention. I have never heard any serious objection made to it. In general, when it has been brought forward, it has simply been put on one side, I fancy because it is so simple, and yet so unassailable. His proposition was that all uneducated labour should be liable to taxation. He proposed in fact that a tax should be laid on every servant employed in whatsoever capacity, but that the production of a certificate that the servant had passed the fourth standard (say) should be deemed a receipt for such tax. Such a tax would, if properly introduced, press heavily on no one, but the result of its institution would be to send down the value of uneducated labour in the market to such a discount, that in ten years we might hope to see few uneducated persons. I wish for no sudden change, which would affect the present members of the working class. Let those who are twenty years old and upwards wander in the wilderness to which their sins or their parents' sins have condemned them—they have punishment enough; but for the future, for the sake of those who are daily being incorporated in the ranks of the labouring class, let some such plan be adopted—the sooner the better for the good and for the glory of England. Now that the State has declared that there shall be education for all, now that our universities are thrown open to all, and our endowed schools are being moulded into a shape which will enable a future Whittington to become Lord Chancellor instead of Lord Mayor, we may fairly use pressure to induce all to avail themselves of the advantages offered to them. And I think State action might go further, and in many other ways bring home to the minds of all that it considers want of education a serious fault. With the convincing proofs of how out-door relief is sapping to its foundations the national conscience, I think it would be no severe enactment to refuse out-relief entirely to any uneducated parent, and to order into the workhouse any parent who had been convicted of an offence against the bye-laws of the school board during the year preceding his application. And I think that whenever the individual comes face to face with the State he should be reminded of what is required of him in this respect. And therefore at registration, which I hope will soon become compulsory in all cases, at civil marriages (which are fast increasing in our manufacturing centres), on application for hawkers' and other licenses I would increase the formalities, for all those (under twenty years of age) who had no education certificates (four years hence), for all those who now cannot write their names, and in the two latter cases interpose delay and even inflict extra expense, in order to assert as plainly as possible that want of education is a wrong

to the State. The new Ballot Bill will practically disfranchise those who cannot write: and I do not see why the principle should not be carried further. I would make England a very uncomfortable place for the uneducated man. I have but one more suggestion to add, an unpalatable one I fear. I fully recognize the difficulty of adding to the rates; I fully recognize the danger of enlisting the sympathies of the ratepayers against education, if the rates be made to press too heavily; and on this account I much regret the system of lumping the education rate with the other rates, a system which will simplify collection, but may entail evils dearly purchased at that price; but I think that, in certain exceptional cases, districts which have not done their duty should be, like individuals, subject to fine. I would follow the principle of the Sanitary Act, and empower the secretary of the Local Management Board, on complaint of inhabitants or of Her Majesty's Inspector of Schools or Factories, to cause a commission * to issue when it was alleged that the Workshop Act was systematically disregarded, the average of attendance at school fell below a certain standard, or the neglected children existed in too large proportion—and on proof, to surcharge on the local rates the amount otherwise certified by the Committee of Council to be due to the schools in that district out of general taxation. The evil of want of education is a contagious disease. Districts in which it is found to exist should be proclaimed districts, and individuals suffering from it should be marked and separated from their neighbours. So by degrees might we hope to create that national conscience in favour of education, which alone can make compulsory laws efficacious and enduring.

The Rev. A. W. WORTHINGTON, read a paper on "Education in places without School Boards." He said that while chool boards had been elected voluntarily in many places, and would be in others by compulsion, there were also many towns and country districts provided with full school accommodation, in which, therefore, no school board would be elected, and no compulsory powers available. The schools in such places would be scantily filled, the attendance be irregular, and the teachers be frequently inferior. The attempt to use the influence of landlords, employers of labour, and charitable doles as a means of securing scholars, would lead to bitter rivalry amongst opposite school authorities. It would also make parents think they were conferring a favour instead of receiving one by sending their children to school, and they would, therefore, do so irregularly. In manufacturing districts the Factory Acts would enforce the education of half-timers; the Workshops Act would do so more and more as its recently-added powers were fully brought into work; agricultural children might be got to school by the half-

* The commission would cost nothing, because the returns of convictions, and the school register, could supply the details, and supersede the necessity of taking evidence.

time provision of the new code; Denison's Act might be employed by the guardians to enforce the school attendance of pauper children;—yet all these means were insufficient, and required an energy which the districts in question were devoid of, or else they would already have formed school boards. It would be useless to thrust school boards upon them, for they need not adopt the compulsory clause. It might be possible to make school attendance a condition of all juvenile labour, but such a rule would be difficult to enforce except by requiring every child at work to hold a certificate of age or education. No child might be allowed parochial relief unless it had a certificate of having attended school for the previous week; and the children idling in the streets might surely be taken to school by a school officer; but in the cases they were considering the locality would not provide such an officer, and they were driven at last to the conclusion that in these cases the authority to enforce the attendance of children must be, not a local, but a national officer, and that the proper arrangements would have to be made by Parliament.

DISCUSSION.

Mr. WHITWILL (Bristol): It is quite true, as Mr. Lambert has stated, that we decline by the Bristol bye-laws to pay the fees of any children who do not make five attendances a week; but it does not at all follow that we shall settle with the schools week by week. It has not been decided by the board yet whether we shall keep a running account and pay by the quarter. As regards compulsion I may state that probably the Bristol Board will issue a notice intimating that the parent must send his child to school within fourteen days, and that if he has any objection to urge against complying with the notice he may state it to the Board on a day named in the same notice. A month ago the Board appointed an agent for one district, and requested him to look after all the children in the district who were not at school and ought to be there, or who attended irregularly. That agent has been able, by merely saying that he would soon have power to compel them to send their children to school, and that they had better do so at once, to induce the parents of a considerable number of children to send them to school forthwith. In this way more than one-half the children have entered school during the last fortnight, and the agent has been instructed to follow up his success. It is intended, but not actually decided, to map out the city into districts, and appoint an agent in each district, these agents being probably under the control of a sub-committee for each district, and they will endeavour as far as possible to induce attendance at school without recourse being had to the magistrates. Some of the proposals made by Mr. Lambert are of a startling character. One of these is that employers should be made responsible for the attendance of children at school, by no child being allowed to work at all until he has passed a given standard. With this I thoroughly sympathised. At Bristol we have made a regulation in the bye-laws that no child be allowed to be a half-timer until he has passed the fourth standard, and that no child be allowed to leave school until he has passed the fifth standard. The principle of surcharging all districts that do not do their duty, he thought, will meet with violent opposition, and as public opinion in favour of compulsion is only just being formed, he was rather afraid of introducing anything that may have the effect of turning the current of opinion against that principle.

The Rev. Dr. RIGG in closing the discussion said: It has been stated that the bye-laws adopted by the London School Board have been founded on certain German laws. This is not so. The bye-laws of the London School Board have been adopted after a very protracted discussion, and have been worked out by

practical men to meet the necessities of the case without reference to any German laws. Mr. Lambert has shown that no mere fulmination of law will ever avail to bring the children to school, and that it is only by the force of public opinion, coupled with steady and constant application, that the law can be other than a dead letter. It is very desirable that some representation should be made by this Section in regard to the system of indirect compulsion which would require a certain standard of education before children could be allowed to go to work, and a higher standard before they could be allowed to become full-timers. Reference has been made to Mr. Clay's suggestion propounded in 1868; but surely it is sufficiently unfortunate that a servant should be unable to read and write, without having a personal fine imposed upon him also, because he is found through the neglect of his parents to be without the power of reading and writing. Two or three of the remedies suggested by Mr. Lambert could hardly be adopted at the present time; but they will be useful to us as showing the practical ends to be aimed at, and pointing out one way of aiming at them. We must all feel that eminent service has been rendered by Mr. Lambert to the cause of education. A question of great importance has been touched upon by Mr. Worthington. It is clear that if there is no school board in any district there will be no power to enforce school attendance.

LARGE SCHOOLS *v.* SMALL SCHOOLS.*

What are the Advantages and Disadvantages of Large as compared with Small Schools? By the Rev. J. H. RIGG, D.D.

THE question of Large *versus* Small Schools may be looked at on the academic side only, as it respects the intellectual instruction and discipline of the scholars, or it may be regarded in its moral aspect, that is, as it relates to the formation of the moral habits and character of the scholars. I think it will be convenient to reserve the consideration of the subject in this latter aspect till after we have considered it in its bearing on the point of intellectual discipline and instruction.

It is evident, again, that the question of large or small schools may be considered in relation either to elementary or to secondary schools. No doubt some principles affecting the question must be common to both these classes of schools; but the much greater variety of particulars and complexity of subjects involved in the studies pursued in secondary schools, together with the more highly developed differences of intellectual character and capacity in the scholars, render variety and individuality of tutorial manipulation, if I may so speak, much more necessary in the case of the pupils in secondary schools than of the children in elementary schools. Perhaps, therefore, it might tend to simplify the discussion which is before us, if we were first to investigate the question as it respects schools of elementary instruction, and then as it respects secondary schools. Afterwards, as I have intimated, the question of large *versus* small schools in its moral bearings might be taken up.

If, then, in the first place we turn our attention to the case of elementary schools, it seems evident that the practical question is

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* For much valuable information on the subject see *Society of Arts Journal*, 1870-71.

hardly one of large *versus* small schools, but of the limits of size within which an elementary school must be worked, if it is to be efficient, of more or less large schools. Small elementary schools could never pay, and may be left out of account. If the question lies between less numerous private schools in which an attempt is made to teach the scholars on the old plan of merely rote learning, and such hurried and necessarily imperfect individual instruction, as could alone in such schools be given, and larger schools organized on the modern principle of collective instruction, tested and worked in by means of individual questioning, there can be no doubt which system must be preferred. I do not need to explain the principles and general idea of our system of instruction in public elementary schools. The first question, pertinent to our general inquiry, seems to be what should be the size of the classes assembled, let me say on the gallery or at the desks, to receive simultaneous instruction from one teacher. Of course an average must be taken; there are teachers who can teach a class of fifty, and test their attention and their intelligence as listeners, better than another can teach a class of thirty. It will be a point for consideration, I venture to suggest, in to-day's discussion, of how many scholars the collective class in an elementary school should, as a rule, consist. Is twenty or is fifty too few or too many? Should the average be fixed at thirty, or forty, or more or less?

Another question which bears upon the inquiry is what should be the number of pupil teachers in proportion to the number of fully-trained and certificated teachers? It is evident that more teachers can be employed when some of the teachers may be merely pupil teachers at a lower rate of pay. That is to say the question is not only one of theory and science, it is one of ways and means. Few or no elementary schools could be made to pay if there were, for example, a trained teacher to be maintained for every thirty children. It is evident also that without pupil teachers there would be no rising youth who would be in the earlier stages of training for the profession.

It seems to be pretty nearly agreed now that the number of children, in a juvenile school, should not exceed three times the number which the principal teacher can take at one time. The tripartite division of the school corresponds to the three principal subjects taught. Reading, with which may be classed all that quickens the general intelligence and increases the scholar's general knowledge, as geography, history, and object lessons; writing, with which must go dictation, composition, book-keeping, and drawing; and arithmetic. The teacher is supposed always to have one of these classes himself in hand; his two pupil teachers to have the others. If, therefore, the number in each class, the proper average number for collective instruction, is thirty, it will follow that ninety is the proper number to be managed by one trained teacher and two teacher-apprentices or pupil teachers. If forty is the proper number for a class, one hundred and twenty will be the number of children to be placed at one time under the care of a trained teacher. In other

words he can manage a school or a school department of 120 in average attendance. The unit of calculation is thus shown to be the number who can be taught efficiently at one time in a class.

But in the arrangements of a large school, the trained and certificated teacher with his contingent, divisible always into three classes, may be taken as the unit, and then the question comes to be—How many such trained teachers can be associated together under the chief direction of one of the number, so that unity may be fully maintained, and that one, the chief, may retain his own proper force, not only as superintendent of the whole, but as himself a teacher with his own special department, which would naturally be the highest? May three teachers be thus associated together, having charge say of nine classes, and assisted by six pupil teachers? Or may even four be thus associated with twelve classes and eight pupil teachers? Is it possible—if possible, is it desirable,—to go even beyond this? Would it pay for a chief master even in some cases to be entirely given up to the work of overseeing and testing the educational operations of a large number of teachers placed under him? If it be both possible and desirable, how far may such a process be carried? What special advantages attend it? How and on what principle may the limits of efficiency be assigned?

One thing is evident, that a large school with only one chief teacher, can be more easily sustained, and therefore more amply supplied and worked with better instruments, than a small school. The small school will be poor; often struggling; the large will have ample funds. A head teacher of much more force, and altogether of higher powers, can be secured for the large than for the small school, because a much higher remuneration can be offered. And under such a teacher, supported by proper assistant teachers, the discipline of the whole school, including the assistant and the pupil teachers, will be much higher than in the small school. In fact a small public elementary school seems to be every way at a disadvantage as compared with a well organized large school. The question, as I have said, is merely what are the limits of size, what is the degree of largeness, compatible with thorough unity of working. I have assumed that a large school should not be worked only by pupil teachers. Of course it may be so worked. But I imagine that the highest efficiency demands some such proportion of assistant certificated teachers as I have indicated, and could not be secured in a large school, say of from 200 to 300 children, worked only by a principal teacher and pupil teachers. For the present teachers are very scarce; and the Education Department cannot choose but allow large schools to be worked by the pupil teachers only in addition to the chief teachers. But I do not suppose this will long continue to be the case. Before many years I expect that in large schools the employment of assistant certificated teachers will be made imperative.

All this time, it will be remembered, we are regarding only the question of elementary schools. Perhaps it might help to an ex-

haustive investigation of the whole subject, if we approached the question now from the side of the children themselves, as regarded in respect of their age, their sex, and their special needs or capacities.

A school establishment intended to meet fully the wants of a populous district should include, if we may follow the programme, for our present purpose, of the London School Board, an infant department, a junior mixed department (ages from seven or under to nine and over), and two senior departments, one for boys and one for girls. In such an arrangement the infant years would be from three to under seven, or nearly four, and the attendance in this department would be more regular, for obvious reasons, than in the case of older children. The number of years included in the juvenile school range would be rather less—would be as nearly as possible three, and the attendance would be somewhat less regular, especially on the part of the girls. It would follow that the infants' school would count somewhat more scholars than the junior school, and would show a decidedly higher average attendance. The range of time in the senior school would be from nine and upwards to thirteen, many, however, being half-time scholars; these schools together would therefore number, in all likelihood, as many as the infants' school by itself; and each might perhaps be reckoned at about half of the infants. Bearing these things in mind, a school establishment to provide for 750 children in average attendance, between the ages of three and thirteen, might perhaps not improperly be divided as follows:—Infants in average attendance 260, junior school 230, senior boys' school 130, senior girls' 130. The staff required for such an establishment might perhaps be estimated as not less than two trained teachers, and four pupil teachers for the infants, the same for the juvenile, and the same for the two senior departments. An average attendance of 750 would of course represent a considerably larger number on the books.

Such a school establishment as this would afford an instance of a large elementary school, as large as most of the larger schools to be found in other countries, and larger than many, adapted naturally to English conditions of society, and naturally graded in general accordance with age and capacity. In its grading it would differ from what are spoken of as the graded schools of the large towns of America, but the difference, I venture to think, is in its favour. The graded schools of America are not adapted to the wants of this country. They neglect the immense advantages of the pupil teacher system; they do not, as a rule, embody the admirable teaching science, and the method and results, of our infant training system, as to which America is coming to learn of this country, and, at the same time, they are not perfectly adapted to meet the wants of the higher secondary education. No doubt they have their strong points of efficiency, and, when worked by such admirable teachers as the first-class teachers of the United States, they produce excellent, often wonderful, results in the superior elementary instruction of children of a grade corresponding to our town middle-class people.

But they are defective notwithstanding, and would neither meet the case of our lower classes nor of those children who are to receive a high-class education on a wide basis.

The question here arises whether such a group of schools, as I have described, would better be taught by four independent chief teachers under one effective management, or by three or four trained teachers, under one head teacher and superintendent. I think I may venture to say that, in the London School Board, opinion seems to incline towards the former arrangement.

In any grouping of such a sort it may be assumed, for reasons easy to recognise, that an infant school teacher can take charge of a somewhat larger number of children than the teacher of a junior mixed school; and again that the proportion of scholars to teachers in the senior primary schools should be somewhat smaller than in the junior mixed.

I have also assumed that it is a decided advantage to teach children together up to the age of nine or ten, due provision being made for teaching sewing, &c., to the girls, but that it is not desirable to unite the sexes in the senior departments.

I may add, in passing, that there appears to be a general agreement among those whom I may speak of as "experts" in popular education, that the employment of female teachers in junior mixed schools might with great advantage, in respect often of real efficiency, as well as of economy, be carried much farther than it has hitherto been, especially in rural districts.

Few, I imagine, would dispute the immense superiority of such large elementary school organization as I have described over the abortive attempts at individual care and instruction which are made, and are all that can be made, by overworked and single-handed, or at least under-aided, elementary teachers in small schools for the lower classes. What is needed to complete the large school organization, is continual and efficient oversight in the playground, as well as in school.

In what I have thus far read, I have merely attempted to suggest general principles, illustrating them in part by reference to certain possible, and apparently feasible, arrangements when school provision is to be made on a great scale. Other arrangements, by each of which the advantage of large and well-organized schools may be secured, may be made to suit different localities. I learn, for instance, that here in Leeds, where I may, perhaps, be allowed to say that the plans and arrangements for schools seem to be under the direction of earnest and practical men, it is proposed to group or aggregate together three schools—an infant school, a girls' school, and a boys' school. This is, no doubt, a very eligible arrangement, although the fourfold scheme may, perhaps, better suit the vast masses of the metropolis. May I be permitted to ask whether in the Leeds arrangements it might not be well to extend the range of the infant school as to age upwards to nine, so leaving boys and girls of above that age only to the senior school? This might be

found to conduce both to economy and efficiency, as the mistress of the infant school could very well, if a superior woman, teach both boys and girls up to nine. The result would probably be, more force in the infant school, and more complete gradation and dovetailing of work upwards, always supposing the mistress to have the assistance of an efficient certificated under-teacher, besides pupil-teachers.

In a village, I venture to recommend that there should never be more than one school, under an able mistress, with certificated assistant, if necessary, taking charge of both boys and girls of all ages, except where, also, an agricultural half-time school could be established. Village children, except under a half-time system, are not likely to remain at school long after ten years of age. At present direct compulsion to attend school up to thirteen years is not likely to be applied to villages.

Where there is but one school, it ought on every account to be under a mistress. A master cannot teach sewing, nor can he properly handle infants (as a rule), nor can a female pupil-teacher be apprenticed to him.

For a small town, or a large and populous village, two schools might, I think, suffice, one for infants, juvenile boys up to nine years old, and girls, the other for boys of from nine upwards.

In the way I have ventured to indicate, it appears as if small schools might almost be done away; and all schools might be placed under the management of well-paid and efficient teachers. With a proper grouping of villages or small parishes, and country children can and will gladly walk two miles, or even more, to a good school, the public elementary school need seldom have fewer than from 150 to 200 children in average attendance. The cost, it must be remembered, of maintaining a school of ninety is not greatly less than of maintaining one of 200 children, while, of course, the income is more than twice as large.

I must now turn to the question of large *versus* small secondary schools. This is by no means the same question as that which we have been considering in regard to primary schools. The nature of the subjects taught makes a material difference; the variety of subjects makes a difference; and the manifold variations of intellectual character and development in the scholars, which increase as education advances from stage to stage, and as the individuality of each scholar unfolds itself in his progress towards adolescence, these make a very important difference.

Let us proceed to compare small secondary with large secondary schools; which means practically small boarding-schools of a superior class, with either very large private boarding-schools, or large proprietary or public schools.

A small school, then, regarded simply on the side of intellectual instruction and training, must either be, *cæteris paribus*, much more costly or much less efficient than a large school. A large school admits of grading very minutely, so as to put together in the same

class boys of very nearly the same attainments; and three times a year, if not oftener, there may be promotion of competent scholars into higher classes, and a readjustment of all the classes in true and close gradation. If provision is made in a small school for as complete a sorting and grading of the scholars, and for as many classes in proportion to the different attainments of the scholars, as in large schools, it can only be by the employment of a proportionately increased number of teachers.

Then, again, the large school, as a rule, at all events the large public school, will be able to secure a greatly superior class of teachers. I dare not say that the large school will of necessity do this, still less that it has always done this. So far as large public schools are concerned, patronage, jobbing, local influences, the various evils incident to board management, whether close or elective, have wrought infinite mischief in the past; and inefficient, I had almost said worthless, as teachers in private schools have been in past years, and, I suppose, in past generations, the teachers in public schools have probably on the whole been scarcely better, in many instances, and in some have undoubtedly been much worse. But in these matters the improvement has been very great during the last dozen years. And all that I have said, or have to say, is that the large public school can, if its managers will, secure a superior class of teachers to those employed in the private school, especially if the private school be also small. The pay must be better, and the position of a teacher is much more independent and more conspicuous. The teacher of a public school is a public officer. Of course private schools may be large, as well as public schools. But, as a rule, private schools are at least comparatively small, and public schools are large. In the case of a large public school the conditions favourable to efficiency of which I have just been speaking are at their maximum.

A considerable advantage in the case of large schools is the intellectual stimulus and the play of a healthy and honourable emulation which find place in connexion with a large class; especially when for the successful scholar in such a class there is a prospect of prompt and public promotion.

Nevertheless there seem to me to be cases in which the advantage is decidedly with the first-class private school, a school under an accomplished and able master with numerous and thoroughly competent assistants—no doubt a very costly sort of school, and properly and deservedly so—rather than with the large school, whether private or public. In such a school the character of each scholar can be more particularly and individually studied. The timid and backward can be much better handled, more gently, more searchingly, more stimulatingly, more encouragingly, and more helpfully, altogether more effectually. Subtle peculiarities of temperament and capability can be much better taken account of and dealt with. Nay, in some cases, even a clever boy, a boy of exceptional quickness and brilliancy, especially in the earlier stages of his course, can be more fully and

rapidly brought forward, can be more congenially dealt with and developed, than he could be in the crowd of a large school.

As a matter of fact, my experience is that, up to the age of thirteen years, first-class private schools do actually bring scholars better forward than the best large schools, than the best public schools. In a large school, individual attention hardly can be given to a boy that needs it. If he has not got on, if he falls below the average, from whatever cause, all that can be done is to keep him back, to keep him where he is, when the others are promoted to a higher class. Now what, so long as the boy has to take his chance in a crowd, looks like backwardness or even stupidity, may be, has often proved to be, only a certain form of thoughtfulness. An acute, subtle-minded lad, for instance, of wide discursiveness, or of a very searching temper of mind, will sometimes show to great disadvantage in a large class, under rapid consecutive teaching, however skilful. He has his doubts, his questions, his difficulties, his objections, about which he is puzzling and pondering, while average rote-learning lads of quick and docile intelligence, but not of much depth, are assiduously and in a kind of intelligent faith following the teacher. He is left behind, is never reached or dealt with at all; his thoughts are never answered, his faculty is never tapped, if I may so speak; his character and needs are never found out; he has to teach himself, and is perhaps altogether disheartened. This is especially the case with scholars of real originality in respect of the higher subjects of scholastic study, the principles of arithmetic, mathematics in general, the elements of science, and the principles of grammar. In short, there are scholars for whom a large school is unsuitable, until after they have mastered well the introduction to all the main branches of study.

And here let me revert to the question of grading in schools. In America, I believe, many large schools are organized on the principle that for each class there is but one master, who, in its proper class-room, teaches to the same scholars all the essential subjects, and is responsible for the total education, at that stage and grade, of all the scholars in the class. It seems to me that this is a method which can only work in elementary schools, which is incompatible with thorough and superior education for elder boys. I believe all experienced masters will allow that the arrangement of classes should vary, at least in the more advanced branches of education for boys and girls, according to the different nature of the subjects taught. To have the same grading for classics and mathematics, for geography and arithmetic, for modern languages and for science, cannot be right, nor is it any more tolerable to grade in the same classes for English grammar and for algebra, than for modern languages and science. In the most elementary stages of education, when what is taught is easily and almost equally open to the apprehension of the average mind, such a method may work, and may be the only method practically available; but at every step beyond the elements, as the scholars advance, individual peculiarities of capacity and of genius are likely to develop themselves, tending to separate between scholar

and scholar, and diversities of taste and powers will cause the same scholar often to be quick in one department and slow in another, advanced in one department and backward in another. And yet quickness may only mean superficiality in certain cases, while slowness may mean thoughtfulness; and the slow student who appears obtuse at the beginning of his course in a particular branch of study, may, if properly handled, develop into the masterly, the comprehensive and even the rapid prize-man of a later stage. I conclude, therefore, that in the large school for secondary education, different lines of grading, different sets of classes, and different sets of teachers, are necessary, in connexion with the different lines of study.

What I have now been saying will appear to many who hear me so obvious and elementary a truth in the science of teaching, as not to have needed to be said. And yet this evident truth I find to be continually disregarded in the current talk about graded schools for English scholars.

And now, lastly, I am bound to say a few words in regard to the moral aspect of the question, as between large and small schools. They need but be few, as this side of the question involves no consideration that is not very simple and obvious.

The theory of a small private school is that the schoolmaster should be *in loco parentis*, only that he would represent the parental side in its aspect of not unkindly but yet unbending strictness of rule. He should be a wise, experienced, virtuous, self-restrained, and yet a somewhat stern parent, not severe indeed, but firm as abstract law itself. Well, there have been such schoolmasters, but they have been very few. The number of schoolmasters, however, whose government is much better than that of an unwise or unvirtuous parent is not so small. The theory of the very large school, on the other hand, especially the large public school, is that the school community, like the national community, is governed partly by public law and its sanctions, and partly by the public opinion of the community. The schoolmaster is no longer supposed to take any minute or immediate personal oversight of the scholars, or to hold any quasi-parental relation whatever; he is governor, king, judge, that is all.

Of course in a comparison of such different ideas of a school as these, everything will be seen to depend on the character of the private schoolmaster, or of the large school, and on the disposition and character of the scholar. A bad small and private school is, I suppose, much worse than even a bad large and public school. Questions here arise as to varieties of cases, such as we might easily suppose—which I will not even attempt to state, much less to discuss. But it is evident that a good small private school may be the only school suitable for children of a certain character. Timid and sensitive boys, for example, are unfit for the ordeal of a large school, at least a large boarding school. At such a school they will not be rallied into manliness, they will be cowed and crushed. Home life and public day school life, or at least large day school life, fitted and framed into each other, supposing the home to be good and the

school to be good, appear to me to furnish the best means on the whole of educating the boy who has mastered the first elements of instruction. Probably the same system would be equally good, or even more absolutely suitable, for girls, under the like conditions. Prior to that, whether a small private or a large public school be the best for a boy who is to receive a thorough education must, I venture to think, depend on circumstances. Boarding schools, I suppose, there must be; but though such schools are necessary, under our present conditions, I confess that I regard them as necessary evils. Those countries, I think, have a great advantage over England, at least in this one respect, in which home life and systematic and efficient public school instruction are provided in combination for the children from infancy till they approach adolescence.

DISCUSSION.

Mr. Joseph Payne (London) said he had heard with surprise and regret that very few of the teachers of Leeds were present, because theory must be brought to the test of practice. There were many reasons why the school of the future should be a large one. The essential theory of teaching reduced to its simplest elements was that of the mind of the teacher acting on and being exclusively occupied with the mind of the scholar, and if the teacher was obliged to direct his attention to a larger number than one there was a loss of power. Even if there were only two pupils one would certainly suffer in some degree. Therefore, as we increased the number of pupils we diminished the force of the influence exercised by the teacher on the taught; and in olden times at Eton we had realised the absurdity of one doctor attempting to teach 100 boys. The most efficient instruction is given by one mind acting on one mind, and making its peculiarities a special study; no man could be a teacher who did not study the minds of his pupils; he might be a lecturer, but a lecturer was not a teacher, for the lecturer stood at a distance from the mind whilst the teacher must come close to it. But while all this was theoretically true, the question came before us as one of ways and means, and we were obliged from economical considerations to consent to modify the theory of industrial teaching; and if we were obliged to give up the theory, we had better proceed to the opposite extreme, because we should teach large numbers better than small numbers. The reasons for this were tolerably obvious. If he had a class of half-a-dozen boys, such as were to be found in boarding-schools, he should probably have six strongly marked individualities, six minds which had arrived at a certain stage by varied and different processes; this education at home and by different masters would make the actual condition of the six widely different; it was impossible but that there should be great gulfs between the individual minds, differences which would far disqualify them to receive a common lesson in one class from the same teacher. But suppose, instead of six, there were sixty, the various degrees of difference would be consequently smaller; there would be many who were on the same level in many respects, and, therefore, ripe for the same teaching, and the tendency which in the one case would not be adapted to the six would in the other be adapted to the sixty in consequence of their being more nearly on the same level. Moral training and education had much to do with the matter, and the school of the future would therefore be a school with first-rate machinery, with teachers stimulated to do their very best, well paid, and in a position of comfort. Such large day schools would admit in some degree of home education. When the theory of education came to be properly considered, it would be considered a singular thing that parents should have separated their children from home influences and consigned them to associations which they knew little of, and which in many cases were unsuitable. With first-rate schools,

machinery of the best description, and thoroughly efficient teachers, opportunity would be given to the father and the mother for teaching at home by means of home influence. Large and well organized schools, conducted by men who were experts in teaching, having under them teachers who were also trained to lead, would best suit the hopes and wishes of the age to come, for which we were preparing; and if we did not consider the gain now, if we put it off, when the time really did come there would be a reason for postponing its further consideration. Therefore, having regard to all educational interests it was our duty to consider the question now in relation to its bearing, not only in the present, but also in the future.

Mr. Edwin Pears (London) said that the large school theory deserved support, not only for the reason urged by Mr. Payne, but for another which apparently ran contrary to his argument. He properly pointed out that the highest teaching was to bring the superior mind into contact with the inferior one, or, as Carlyle phrased it, "to make a study of individual aptitudes with a perpetual variation of means to attain the same ends." If we obtained that particular individual study, then we gained an educative influence over the minds of a number of children, which was obviously superior to the ordinary process now termed instruction. There was a little confusion between what was meant by education, and what by instruction, but we might say that the influence which a good master would exercise over his scholars was one thing, and was of the highest possible moment, and that the instruction which he gave them was a widely different thing. The imparting of instruction might practically be regarded as something mechanical; there was a certain amount of information of which the scholars had to become possessed; but, in addition to that, an educational influence might be exercised; and one of the main reasons why a large school would be preferable to a small one, was that in a large school you were almost sure to have a head master who would be paid very much better than the master of a small school, and who would, therefore, be a very superior man. At first sight it would appear that the master of a small school would have opportunities of bringing himself into contact with individual pupils with salutary consequences, which the master of a large school would not have; but, when it was remembered that the master of a large school would, in all probability, be a much superior man, the argument in favour of the small school fell to the ground. As a fact, it was the masters of large schools who had been able to exercise great influence upon their scholars; and that of Dr. Arnold at Rugby was probably augmented infinitely because hundreds of young men passed under it, whilst in all likelihood it would have been proportionately diminished if the boys had been numbered by tens instead of hundreds. The economical aspect of the question was immediately important, in view of the steps contemplated by school boards, because large schools not only gave great increase of efficiency, but also gave it at a greatly reduced cost per head. It had been shown by Mr. Allen, in his report to the Society of Arts, that, while a school for forty children, which only allowed a salary of 70*l.* a year to the master and mistress, who could not be expected, for that money, to possess any high intellectual attainments, cost 2*l.* 11*s.* 3*d.* per head per year, a school for 400 children, allowing 150*l.* for the master, 80*l.* for the mistress, and good salaries to monitors and assistants, could be maintained for 1*l.* per head per year. Therefore if, instead of having forty or fifty children in a school, he had many times that number, and divided them into classes, he could put a well-paid teacher at the head of each class, and a superior man at the head of the school, and in that way we should bring to bear upon the children somewhat of the same kind of influence which had been exerted so beneficially upon the youth of the middle classes, by the head masters of some of our great public schools. He would not however pursue the subject, since the Section had been joined by one who had made himself an authority upon it.

Mr. Edwin Chadwick, C.B. (London) said: This question would govern the whole elementary and general education of the country, because it was quite clear that by simultaneous teaching in large classes we could obtain results the equivalents of which could be obtained otherwise only by having one teacher to one pupil; and therefore by this simultaneous class teaching, we should be enabled to get children well through the three R's in about three years, whereas it was utterly impossible by teaching on the small scale to get them through in less than six or seven years

The reason for this was fully explained by Mr. Allen, who showed that when he was teaching a class of twenty out of a school of forty, the instruction addressed to five was lost to fifteen, whilst if, instead of having five of a sort, he had had twenty-five of a sort, each would have derived as much benefit as any one of them would if the instruction had been exclusively addressed to him. It was this which accounted for the success of the pauper district schools containing 500 or 600 children who were taught for 1*l.* instead of 2*l.* a head, and in a shorter time than other children. The principle had been acted on in the United States with very great success. The economy of time would, he thought, govern and necessitate aggregations and the sacrifice of denominational feeling. This economy had been realised at Faversham, where several parishes united to form one school, and as the church party consented not to teach the catechism to the children of dissenters if the parents objected in writing, there were in the school 600 church and 300 dissenting children; but if the dissenters had been kept out it would have taken the 600 children four and a half years to learn that which they could not learn in three. The dissenters alone could not have given the same instruction to their children in less than double the time. Mr. Pears had pointed out an important consideration in reference to the quality of the masters. It was a common maxim, "As is the master so are the children;" and no person of even a little experience in going over a school could help seeing the master or mistress reflected in the children. The result at Faversham was that the labour market was rising considerably. Of course a salary of 80*l.* a-year would not attract the right sort of master for such a school; but the combination enabled the committee to employ a high order of master; he had 300*l.*, and an able mistress was equally well paid; and yet the cost of the school was only 1*l.* per head. If we went on blundering in disregard of the advantages of union we should have to come back to it. His plan would necessitate large aggregations of children in the same school, and the infants would have to come with the rest of the family, and be left at the infant school. This was found to work well in practice for a radius of three miles round the school. In Scotland, the elder boys went even four, five, or six miles, because they could not obtain, nearer home, teaching equal to that secured by this division of labour. It embraced both physical and mental training for 1*l.* covered the services of a drill-master, and all the children were drilled with great advantage to themselves. When he investigated the condition of the parochial schools in the City of London, he found that not above one in three of the children got into respectable places, and that fully 60 per cent. went to the bad one way or another, but drill gave aptitude of hand, arm, and leg, which immensely facilitated the obtaining and keeping of employment. It was formerly found that lads who had been kept in school up to their fourteenth year became runaway apprentices, and when asked the reason, the answer often was, "I could not stand the labour; it was too painful for me." Under the new system in the district schools, the failures did not amount to two instead of 60 per cent.; the children were taken into service as fast as they left school; and this success was achieved by the proper organization and division of educational labour.

Mr. G. C. Mast (London) was convinced of the utility of large schools. Dr. Rigg had correctly stated that pupil-teachers would not be required in future.

The Rev. Dr. Rigg: I said the proportion of certificated masters would be increased, and that of pupil-teachers diminished; but I should be sorry to see the pupil-teacher system done away with.

Mr. Mast said all would depend upon age. In Nuremburg, many years ago, the conviction was arrived at, that special knowledge could be communicated efficiently only by well-trained masters. To reduce expense, a combination was arranged in order to form a large school; teachers under the age of eighteen were not employed; all the teachers were specially trained for the work; and the results were such as to justify us in looking to large schools and trained teachers for efficiency, combined with economy of time and of means.

The Rev. Brooke Lambert (London) said one point which was raised was the number of pupils it was advisable to group in a class; and it seemed that, if we got a principal teacher of such ability as ought to be obtained for a large salary, he would be able to superintend other teachers in a way of which we know nothing in our elementary and secondary schools at present. In the Middle Class in the City of London, of which Mr. Jowett was head master, he did not teach at

all; he spent his whole time in superintending the work; and Mr. Fitch had reported that the school stood wonderfully in all points that made a school what it ought to be. The more the figures with regard to the saving of expense in large schools were gone into, the more would it be seen that we could arrive at no other conclusion, than that the large schools would enable us to realise a large pecuniary saving. It was well to call attention to what was said on this subject by Mr. Fussell, in his last report on the Church of England schools inspected by him in Middlesex. He showed that, in a school for 90 boys, a minimum staff cost 125*l.*, whilst in a school for 250 boys a minimum staff cost 270*l.*: so that, in teaching powers, a school of 250 need not cost much more than double what one of 90 cost. Another view of the matter was this: in the school of 90, the contributions of the pupils would amount to 40 per cent. of the cost, whilst, in the school of 250, the contributions would amount to 56·6 per cent., so that the saving in the cost of the larger school was enormous.

Mr. JAMES WILSON (Member of the Leeds School Board) said this question was of immediate moment, because many school boards were making arrangements for the building of schools, the size of which would to a great extent determine the character of the education to be given. In this country recently many schools had been built with a number of class rooms, so that children might be separated into classes for special instruction; and it seemed to him that, while the large school arrangement might be judiciously worked for children under nine years of age among whom there was a good deal of imitation and of learning from each other, for children above that age when they began to think more for themselves, it might be advantageous to adopt the class-room system, and bring the mind of the teacher to bear more directly on that of the scholar. In this way, it seemed to him, we might combine the two systems and derive a double advantage.

The Rev. Dr. RIGG, in closing the debate, said it must be remembered that the advantage to be gained by having a large elementary school was this, that if we were able to put together in a class children who were as nearly as possible at one stage, one teacher might teach five boys between the ages of nine and thirteen, but in 100 boys you would have five twenty's, and with each twenty you might deal almost as with one boy, so that you would get in this case five teachers to do the work which one would have to do in the other, with the further advantage that while one teacher would instruct only one of the five pupils at a time, each of the five teachers would be instructing simultaneously twenty boys as specially and directly as if they were one. In the larger class, too, there were advantages of which Mr. Payne lost sight—the many-sided illustrations of lessons which the answers of pupils would supply, and the stimulus of competition which was a potent influence with children.

EDUCATION OF GIRLS.*

What are the Special Requirements for the Improvement of the Education of Girls?

MRS. W. G. GREY read a paper on the question.* The writer said, the first and most essential of the requirements for improving the education of girls, as it was sure in time to be followed by all the rest, was a truer conception of what education was, and what were its uses. If the true view of it, as the drawing out and cultivation of faculty and the formation of right habits of thought and action, were generally accepted by parents and society

* See *Transactions*, 1869, p. 351; 1870, p. 556.

it would be acknowledged that such education was as necessary to women as to men, and that its object was to fit them morally and intellectually, not for the matrimonial market, but to do their duty wisely and faithfully in the station of life to which they might be called. The second requirement was the improvement of schools through a better organization and a system of inspection. Mrs. Grey advocated the plan of large day schools or classes, with boarding houses in connection with them for pupils from a distance. Where want of funds prevented the establishment of such schools, she suggested as an alternative the association of several schools into a group, each school forming a class or division, and the whole group representing one large school. Co-operative societies might be as successful for education as for other objects, if ably and honestly managed. The examination of schools was of great importance, and influence should be exerted on the one hand to obtain qualified examiners on terms within the reach of second and third grade schools, and on the other to induce mistresses to desire and invite examination. Provision should also be made to enable young women desiring it, to carry on their education to a higher stage through such institutions as the College for Women at Hitchin. The third requirement was the training of teachers. This might be done without the expense of training colleges by attaching pupil-teachers to every large school, who should be instructed and superintended in their work by the head mistress, by inducing young women to take up teaching as a profession, and by measures for the examination and registration of teachers by a public and recognised authority. The fourth and last requirement was that girls should have an object in life to work for, and not look to marriage as their only career. Girls should be taught from their childhood that they, like their brothers, must take their share of the work of life, and must be educated to do it well. They should be not only allowed but induced to work for their own maintenance where their parents could not make an independent provision for them; or, if they were provided for, they should hold themselves bound to help and train themselves to help efficiently in doing the unpaid work of the world. Finally, Mrs. Grey advised women to abjure the "rest and be thankful" policy; to be thankful indeed for the ground they had gained, and to the many able and generous men who had helped their cause, but never to rest until they had won the right and the means to the highest culture of which their nature was capable.

Miss MARY GURNEY also had a paper on the subject.* The author, after dividing the middle class, for whom provision was made, into three sub-divisions—(1st.) The daughters of professional men and hose of the upper class reduced in circumstances; (2nd.) The children of tradespeople; and (3rd.) The more intelligent children of artizans and labourers, went on to review what was done for them in

* Printed in full in the *Englishwoman's Review*, January, 1872.

other countries, as compared with the nothing done for them in our own. Amongst other countries America stood first in the facilities for education and in the cheapness of instruction, the fees ranging from 11*s.* to 30*s.* annually. The three grades of schools—grammar schools, high schools, and colleges—were passed in review, and the advantages of a mixture of the sexes discussed. Passing on to Europe, the paper showed what large provision was made for girls' education. In Prussia girls were not admitted to the Gymnasia or the Real-Schülen; but there were two classes of higher and lower Burgher-Schülen, supported partly by public funds and partly by fees, and these provided an education superior in kind, if less extended in range, than that offered in America. Germany had thoroughly mastered the idea that education was meant to enlarge the mind, and not the memory; to develop the reason, and not merely the power of reply. In Switzerland, with its mixed classes for boys and girls, and in Sweden and Norway, the compulsory law kept the schools full, and an excellent education was given. It was hardly fair to compare Continental prices with English, but they seemed exceedingly small, and in Frankfort, in the higher Burgher-Schülen, were less than 2*l.* per annum. Failing any State action, and whilst waiting for the development of the Endowed Schools Act to meet the case of girls, it might be asked, What could be done in England by voluntary effort? In the first place, What education was wanted? Education much the same as in boys' schools with good masters, able to supply a thorough literary education, such as to call out the powers, and produce thoughtful women, ready for every emergency of life. English, thoroughly and grammatically taught, with metre, rudimentary history, and physical science—those should be the work; drawing, foreign languages, music, &c., the play. Needlework should not be forgotten, and physical training was all-important. Had anything been done in this direction? The Camden North London Collegiate Day School, under the superintendence of Miss Buss, seemed to provide just such a school. That school contained 200 girls, from six to eighteen, paying from 9*l.* to 15*l.* per annum. A lower school, in connextion with it, seemed equally successful. Miss Gurney then commented on the advantage of such schools as providing, by economy of management, for a variety of teachers on all subjects; as providing, in a mixture of classes, a social intimacy much needed; and in creating habits of independence and *esprit de corps* not learnt in private schools. The paper concluded by expressing a hope that the Endowed Schools Commission would create such schools, as, if public funds provided the buildings and scholarships, would pay all working expenses by means of school fees.

DISCUSSION.

The Rev. HUGH SMYTHE (Luton): I have noticed with much regret that both papers seem to regard the girls of England as selfish, frivolous husband-hunters; and I wish to protest against their being regarded in any such light. It is because they are not so, and because I fear, that in our endeavours to improve the middle class education of girls, we may do something which will change the natures of the girls for the worse, that I wish to urge the greatest caution in this matter. I fear that if we transfer the education of girls to large schools, and then draft them into universities, we shall run some risk of changing the nature of the girls rather than improving their characters. No one who has been engaged in the struggle of life but will say how much he has been influenced by some passing word, spoken often with hesitation and doubtfully, by a woman—a word which did not come from an intellect sharpened and rendered intense as you would have it, but from the nature which God has given her.

Mr. WHATELEY COOKE TAYLOR (Cork): There is one principle brought out in Mrs. Grey's paper which is not always so clearly perceived as it might be. I refer to the excellent definition of education—that it is not the instructing in details that is so necessary, but the leading forth, the *educo*, in matters of education. But although I should like to see woman educated to a very high standard, which should always be set before her, I want to know what is to occur afterwards. Should there not be some career open for woman to exercise her education in? In looking upon education as a mere æsthetic advantage, we are apt to lose sight of the necessity for some channel into which it may be moved. Miss Carpenter said, in a speech delivered by her the other day, that there was no way in which a woman could not be educated, but she laid herself open to the retort that there were many ways in which a woman should not educate herself. Education should be encouraged with a view of making a woman independent; she should not be dependent upon others, and the chief object of her education should not be to make her a more charming spectacle for others to contemplate. The chief advantage of a woman's education should be to enable her to work for herself and to give her an opportunity of earning her own living; but at the same time to avoid creating a nation of blue stockings. For these reasons I hope we shall not lose sight of the future, and that we shall devise certain appropriate channels for the employment of women, educated as we desire to see them.

Miss EMILY DAVIES (member of the London School Board): Considerable reference has been made to America in the papers read to-day, and there seems to be an impression that America has much better arrangements for the education of women than are to be found in this country, but I think America is far too highly praised on that point. I have lately come across much evidence upon this subject, and that evidence has come from the Americans themselves. An American lady on her way home called on me, and asked what we were doing in England worthy of imitation by the Americans? She told me that although the American schools for girls were in some respects admirable, in others they were deplorable, and she wished to find out in what they could imitate our management. During the last few weeks, too, I have seen two French ladies, who keep a school near Paris, much frequented by English and American girls, and these ladies told me that American girls are quite uneducated when they come over, for though they profess to have some knowledge of æsthetics and psychology, they are quite uneducated so far as all useful knowledge is concerned. As to the American teachers, an American lady has told me that in all the highest subjects of instruction they are obliged to employ men, because, with very few exceptions, women are not fit for the work, as they have not the necessary cultivation. That is no doubt the result of the want of a high standard of examination for women in America. In saying this, I am in no way unwilling to learn from the Americans, but I should be sorry if, in what we are aiming at, we should be endeavouring to produce imitation of Americans. What we want to produce is English women of the highest type, not an imitation of anything else. Upon the general question I have two remarks to make. I believe that during the last three years there has been a great want of concentration, and that the efforts of our friends have been rather

too much scattered. The first thing I have to suggest is the development of local examinations, which produce the most beneficial effects upon schools, and tend to bring up the standard of schools in every way; to act upon schools universally, private as well as public, and also upon home education. That seems to me a most important thing to press on at present as regards earlier education. At the risk of being accused of partiality for a scheme in which I am personally interested, I would, in the second place, urge the importance of pressing on with the college for women, which is the best thing for giving women the highest culture at the present time.

Miss ISABELLA TODD (Belfast): The great and prevailing idea which should be fought against is that ignorance is the privilege of all girls who can afford it as soon as they have left school. Parents are continually asking, "Why should my daughter trouble herself with Latin and mathematics? She is not intended to be a governess, or to earn her own bread;" or else they say, slightingly, "Oh, yes, she may amuse herself with these things." Any idea of making a girl useful either to herself or to the world is at once set aside as something absurd. The notion is altogether ignored that there is work—real work—for every human being to do unless it is deliberately shirked. Those who are engaged in the different organizations for assisting the higher education of girls should keep in mind, in answering such objections as are constantly raised against them, that it is better not to enter so much into details as to go back to the principles of education, and steadily and persistently point out that no faculty which any girl possesses is given her to be wasted, and that it is as much her duty and that of her parents and friends to have her faculties and powers fully cultivated as it can possibly be in the case of a young man.

Mr. JOSEPH PAYNE (London): Many persons have pointed out the faulty state of female education, and have suggested remedies, but there is one thing that has not been sufficiently noticed, and that is a fault noticed by the Commissioners in their report, which constantly states the results of their inquiries in such words as these, "Want of thoroughness and foundation; want of system; slovenliness; inattention; unnecessary time given to accomplishments; want of organization," and so on. It is rather surprising that it should not be seen that the fundamental remedy for all this must be the better teaching of the teacher; that is the point which really is at the foundation of all the faults found with the system. We go into a girls' school in which we see the children engaged in what is called learning. We find them listless, indifferent, uninterested. They give no attention to the teachings of the teacher, and we see that there is something altogether wrong at the bottom of the system. We go again in the course of a month to the same school. The school has remained exactly as it was, the school arrangements and furniture are the same, the forms and desks have the same relation to each other, the school books are exactly the same, but we see a total change has occurred in the whole spirit of the school. This does not arise from any addition to the school funds; not a single farthing has been contributed to make the school more efficient, but a new main spring has been put into the school in the shape of a new teacher, who knows how to direct the minds of the children, how to estimate their character, to stimulate an interest in learning, who knows in fact the art of education—an art in which, I am sorry to say, most teachers are lamentably deficient. This teacher has learnt from his own experience something of psychology—something of what the human mind can do; and he has learnt something in the school of physiology; he has ascertained what effects are produced in the body by the action of the mind; he has become acquainted with the elements which go to the formation of character, especially the character of children; he knows how to invite the interest of his pupils, what influences to bring to bear upon their characters, and how to direct them mentally, physically, and morally. Thus the school is changed, and thus we find that the real question of questions with regard to education now is, how to teach the teacher how to teach. Normal schools have been referred to, but many of them do not do the work in the proper sense of the term—they simply teach a routine already established, and hold that the best thing to do is to make that routine permanent. The reign of routine has lasted long enough, and it is high time that it should be deposed, and that the reign of the science of education should take its place.

Mr. Fretwell (London): A second meeting is now being arranged for in Hackney under the presidency of Mr. Charles Read, to establish in the north of London a middle class school for 1000 boys and 1000 girls. But one of our difficulties is the paucity of teachers, and I believe that one country we must look to more than any other for experience in this matter is Germany, whose school system has stood the test of fifty years' experience. A German gentleman has been in England seeing what can be done towards opening up a correspondence between this country and Germany, not only with a view to improve the systems of the two countries but also to give facilities for a year's training to the teachers in the foreign country. The arrangements are as yet immature, but when completed they will do much to mend the present defective character of our teachers.

Mrs. Grey: In answer to what fell from the Rev. Mr. Smythe, I would say I had not the least desire or intention to detract from the character of either single or married women, but what I spoke of was the position of women when they have small means and small prospects of marriage, and when they are doomed to live, or rather to vegetate, in uselessness and insignificance, and are often looked down upon simply because they have not married. No one thinks more of old maids than I do and I don't know how England would get on without them. At the same time I do not depreciate married women nor the institution of marriage. True happiness is only to be found in marriage, but that is just as true for men as for women; and I do not see why women should look forward to that happiness more than men, or regard it in any other light than the supreme grace of fate, to be accepted as God's blessing when it comes, but not to be toiled for or waited for in idleness. As to Mr. Smythe's view, that the education of women in universities would bring about a change in the feminine character, I do not believe it would have that result. The feminine character has been given by God and nothing can change it. Such an education as I have spoken of may give qualities to women which they do not possess at present. They would acquire more self-control and independence, and accustom themselves to exercise judgment in difficult circumstances, but education would not occasion women to lose feminine characteristics given to them by God. With reference to Mr. Taylor's observations, I would remind the section that I especially advocated the training of girls to do work in the world; and as regards Mr. Payne's remarks on the training of teachers, I was afraid that I had dwelt almost too long upon that subject. No one can feel more deeply than I do the value of training good teachers, but I feel also that good teachers will follow upon good general education.

The Chairman (Mr. Baines), in closing the debate, said, I have listened with the deepest attention and the liveliest interest to the papers which have been read, and to the discussion upon them. Both papers have been characterized by the highest possible moral tone, and have dealt with the highest, purest, and most public spirited objects, which, if obtained, will conduce to the creation of an intellectual and virtuous nation, as well as to the happiness of women. Mrs. Grey's paper was as judicious in its views as it was elegant in its style, and I hardly know what fault can be found with it. There can be no doubt that there are great and serious defects, on many accounts, in the present female education of the country, but no one should consider remarks of that kind as bearing upon individual schools. I have known ladies' schools conducted by ladies of the very highest talent, where the teaching was of the best description, but they are the exception, and not the rule. It is much to be wished that teaching of that kind could be generally provided. On the other hand, there are many girls' schools which are pronounced by inspectors and commissioners to be very seriously defective; some as paying much more attention to superficial accomplishments than to solid acquirements, and others upon other grounds. There can be no doubt that the share which the education of women has had in the endowments of England has been miserably small—infinitely less than it should have been, considering the importance of the claim. But, besides this, there is a great want in this country of what the Germans called pedagogy, or a knowledge of the art and science of education, among female teachers. Abroad this is studied as a science to a much greater extent than in this country. The only objection to the grouping of small

schools together, which is a most admirable suggestion contained in Mrs. Grey's paper, is that it seems scarcely practicable. The difficulty of agreeing as to how the various schools should divide the different departments of education, while you, at the same time, adhered to the plan of grouping, would be found to be very great, but the subject well deserves attentive consideration.

THE WORK OF UNIVERSITIES.*

On the work of the Universities in higher Education. *By* JAMES STUART, M.A.

THERE is an increasing demand for higher education throughout the country—I mean for that education which opens out and developes the faculties with which the human mind is endowed. This education of the faculties of the mind is obtained by people in a variety of ways. The public newspapers are great educators, and the existence of public libraries and cheap literature help people to educate themselves. Every person must conduct the process of his own true education for himself. There is no scientific education, for instance, comparable with the attempt to perform an experiment for ourselves. The object of education is to teach a just union of observation with logical deduction, and that is only to be satisfactorily acquired by attempting it. Yet in the process of educating oneself one may be helped very greatly. The object of a teacher is to guide his pupil's endeavours in a right direction, to make his errors throw a luminousness on that which caused them, to encourage his pupil's endeavours by dexterously guiding those endeavours to success.

One vast barrier to the progress of self-education is the difficulty to know what to begin with. Another barrier is the fatal nature of one's own errors. These are the two points where a teacher is of value—first to show the pupil where to apply his energy most fruitfully, and second, to lead him to profit by his own mistakes, without permitting those mistakes to be fatal.

I mention these points thus definitely, because I wish to point out that a very little assistance often enables a man to acquire education who would not have otherwise been able to do so; and because I wish also to point out that education, though it need not be a continual, must be a continuous, process. The teacher requires to deal with the minds of the taught from time to time, and over a considerable period of time.

It has fallen to my lot to see, more often than I care to recall, a real intellectual effort actually die away because of the want of being able to find what to apply itself to. Of course I know that great mental power will never be at a loss, but there is a vast amount of intellectual effort capable of being exerted by those who require to be supplied with an adequate object for its exercise. Large numbers of excellent books on all subjects are within the reach of all of us,

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* See *Transactions*, 1868, p. 376; 1870, p. 310.

yet the question continually occurs, among all these books which ought I to read, and how should I set about it? It is here that a mere word even, from one better informed than ourselves, may save us years of toil, and perhaps final disappointment.

The sources of higher education in the country have as yet been the universities. There education is given, and professedly given, with the view of training the mind.

In speaking of higher education, and its extension to the country, I must here, however, point out that there is a marked distinction between higher education, in the sense in which I am using it, and technical education. Anything, of course, may be used to lead out the faculties of a man's mind, and nothing is more useful or more satisfactory towards this end than the materials of his own trade. But, at the same time, this is not the object of technical education, which aims at instructing a man in his own particular calling, and which, as it is practically given, has rather a tendency to narrow than to expand the mind. That man is now best technically educated who becomes best fitted to take his share in the division of labour, and, although commercially successful, the mental result of the division of labour is the very reverse of truly educational cramping rather than expanding the mind. Professional education is not higher education.

The universities, however, have only been able to reach a very small number. This is chiefly owing to the cost of living there, which has as yet practically shut them to those who could not obtain a sum of about 200*l.* a year. A great step, however, has been lately taken there towards reducing the necessary expenses of a student, by the admission of what are called unattached students. By that step the universities may be now truly said to have opened their education to all men. I do earnestly hope, and I do not doubt that they will also ere long open their education and endowments to all women. The University of Cambridge has been taking notable steps towards this end, which is so absolutely necessary for the true advancement of national education. But "all men" and "all women" in these sentences only include those who can procure some years of continuous leisure. There are vast masses who desire education, and who cannot procure this leisure; and there is a growing policy, both at the universities and elsewhere, that they should endeavour to reach in some way those masses of our countrymen and countrywomen who are eager for education, and who cannot get it, and that for that end they should add to their present character somewhat of the missionary character. They have already carried this idea out to some extent in the local examinations for boys and girls, and in the higher examinations for women. But more is needed than examination in the case of those who are not at school, and have no college at which they can attend; indeed, the universities themselves have continually endorsed the principle that examining and teaching should go hand in hand.

Now concomitantly with these views the question is arising, both

at the universities and elsewhere, whether the funds which the universities hold for the encouragement of education might not in some respects be more advantageously used for that end than at present. A large portion of our funds is used most advantageously, namely, that which is used in the shape of scholarships, and as payment to professors and lecturers. But the greater portion is used in the shape of fellowship. A fellowship is a reward of merit, but it is an unconditional reward. There are at Cambridge, and it is similar at Oxford, about 350 to 400 fellows, receiving for the most part 250*l.* to 300*l.* a year. Of these about 100 are engaged in teaching at Cambridge, and retain their fellowships even though they would otherwise have lapsed on account of this teaching work. There are, therefore, about 250 persons holding fellowships in Cambridge subject to no conditions of doing work for them. These are retained under different conditions and at various colleges. In almost all cases celibacy is a condition; in some colleges, subject to this restriction, they are retained for life, in others only if orders are taken in the Church of England, and in others for periods varying from eight to fifteen years. The question presses more and more upon us—is this large sum of money best used for the interests of education when it is given in the shape of unconditional rewards? I am well aware of the difficulty of attaching to the tenure of a fellowship such a condition as the pursuit of science or of literature. It is in general impossible to apply the test of such a condition being fulfilled, and I am not entirely opposed to the principle of unconditional rewards; by that means many men are assisted into professions and enabled to take a better position in them than they otherwise would do. The professions are thus supplied with educated men, and the country is benefited indirectly. But without impugning the principle of non-resident fellowships or of rewards given entirely unconditionally, I cannot help thinking, in common with many others, that the proportion of the university endowments thus employed is excessively large, being very much the larger part of the whole income of the university. There is a feeling, in which I wholly sympathize, that without abolishing non-resident fellowships, and without attaching conditions to them all, there should be a diminution, either in their yearly value or in their period of tenure, and that this should be accompanied by an extension of the means of retaining fellowships by doing educational work for them. Such a method as this partakes of the gradual, not of the revolutionary, character, and I believe that by this means the funds of the university would be most gradually and naturally turned into those channels in which they would be most beneficial to the cause of education throughout the country at large.

A Fellow may, I believe, in most colleges, retain his fellowship on condition only of serving in some office to which he may be appointed by his college. I think that this privilege might be well extended to those who might be duly appointed to do educational work in some of our large towns, and the meaning of "doing college

service" might be well extended to systematic teaching in such towns. It should be the duty of a man so appointed to devote his time to teaching by lectures, and by night classes, and an interchange at times of teachers, between various towns, willing to co-operate in such a scheme, would secure a variety of subjects being taught.

The establishment of colleges in towns, such as Owen's College in Manchester, and the like, is the end at which I would aim; but we must remember that there are very few places where this would be at all possible. There are, perhaps, few towns which could support a permanently resident staff of professors, and much education may be disseminated at present by less ambitious effort. The residence in a town for a few winters of a man of recognized attainments, whose duty it should be to devote himself to teaching the subject to which he had devoted himself, would be of an incalculable benefit to that town, and would pave the way for more extended effort, which, without some such influence, might remain for years impossible.

If such a system as I propose were to grow into any permanent form, the arrangements as to lectures and lecturers might be in the hands of a syndicate, who should consult the towns, the towns being required to guarantee a certain quota of the lecturer's salary. The appointment of lecturers would be a matter of mutual arrangement, and those who do service in the towns might be entitled, by a new statute of their respective colleges, to the same privileges as those who do college service, or to some modification of those privileges.

But I do not think that such a system as this is to be expected to rise whole and complete at the first wave of our wand. Indeed I do not think it desirable to attempt to begin with anything like a complete system or even a system at all. What I should advise is this, that if any town is able to find an audience willing to receive some education, and can guarantee a certain salary to a lecturer, say for the space of one or two years, they should apply to the university to help them to find some fellow of a college (if they have not already found one) who would be willing to undertake the office, and who should be permitted in virtue of it to retain his fellowship while holding the appointment, which might well be to begin with for a limited time. There would be a difficulty in a college granting such a privilege, even though it desired, inasmuch as it is very questionable whether the statutes of the colleges would permit them to render a fellowship tenable under any other circumstances than those under which they are at present tenable, but the statutes even of colleges may be changed, and if the question be brought forward by application such as I have described, there would be more likelihood of such a statute being made at the application of any college. To make such a statute would only require the consent of the governing body of the college, and, as far as I have seen, these governing bodies are desirous of doing all in their power for education where they see that their efforts would be of avail.

The suggestions which I have here made, if they were founded on theoretical considerations, might be open to many objections, arising from a fear as to the difficulty of their practical working. It might be said, in the first place, that there might be very few if any towns found who would desire such a scheme at all, and it might be said, in the second place, that if any town wants education of a high order it can get it for itself without applying to the university. But the propositions which I have made are by no means theoretical, but are what has practically been brought before me for several years, both by the existence of and by the difficulties connected with the system of educational lectures for ladies, which have been established now for some time in many towns of England, and those connected with similar systems of teaching, which have been carried out to some extent also for working men. As a fact, large classes of both have always been obtained, and have entered into the work of the class eagerly, and with much meritorious perseverance and success. On the other hand, those who have undertaken the conduct of such classes have been almost universally fellows of colleges, and here the very difficulty arises which the system I have pointed to would correct. We constantly find that these men are unable to continue the work of their classes, on account of the fact that the system being purely voluntary fails to guarantee that permanence of employment which it is necessary to offer in order to secure the continuance of the service of first-rate teachers. These lecturers are not able to compete pecuniarily with other attractions, and the fellows who assist us leave us for more permanent employment. They would not do so if the conduct of such teaching might in some way or other confer some privilege on them with respect to retaining their fellowship. That element which I have already pointed out as so necessary for the success of education, namely its continuousness, would thus be gained.

Let it be remembered, then, in considering the practicability of such a scheme, that the proposals here made are made because of the evident solution they would afford in actual instances of a primary difficulty.

Mr. James Heywood, F.R.S., read a paper "On the Subjects of Examination for Oxford College Scholarships and Fellowships." The following is the substance of the paper:—Of about 1700 students at Oxford, more than 400 are college scholars, each with an average allowance of about 80*l.* a year, tenable for five years. The sum of 35,000*l.* a year represents the total income for college scholarships and exhibitions at Oxford. In the sixth form of Marlborough College, consisting of more than thirty boys, between the ages of sixteen and nineteen, nearly every boy is destined for the universities. The father of a boy in the sixth form of that school intends his son to try for a college scholarship at the university. Marlborough College composition in 1861-2 for the sixth form comprises five English essays; the length of each from one to three

letter-sheets of paper. Twice each week a passage from some Latin or Greek author is translated at length into English. In Latin, during the year, there are seven original copies of hexameter verses, each about forty-five lines; two original prose Latin essays are written, each containing at least thirty lines. Out of school, there are twenty copies of elegiac Latin verses, each about twenty lines long, eleven copies of hexameter verses, and two of lyrics, translated from various authors. In school, there are three copies of elegiac Latin verses, and two of hexameters, each about ten or twelve lines long. In Latin prose, twelve translations are made out of school, from various authors, each about twenty lines in length; and in school, there are nine translations from English into Latin prose, each fourteen or fifteen lines in length. Greek composition exercises, during the year, comprise, out of school, fourteen iambic verse exercises, each from sixteen to twenty lines long, mainly from Shakspeare; in school, seven iambic verse exercises, each about ten lines in length. In Greek prose, out of school, thirteen exercises from various authors, each about twenty lines long; and in school, four exercises, each from ten to fourteen lines in length. The substance and matter of all the classical works read are expected to be prepared for the quarterly and half-yearly school examinations. In mathematics, four regular lessons are given weekly, and a promising mathematician can get six hours a week out of regular school hours. At Oxford exercises are giving way to philological lessons. Colleges encourage this by setting papers on "philology" to candidates for scholarships, and a considerable amount of such knowledge is often displayed on these occasions by schoolboys. The writing of Latin at Oxford is expected to be free from grammatical faults. Every candidate can be required in three hours to translate a short passage of English adequately and correctly. But it is absurd to expect a literary composition, which shall have merit as a work of polish, to be produced in the same time. The number of college fellowships at Oxford is somewhat over 300, and, as 300*l.* a year has been taken as the maximum dividend of college income for a fellowship, this would give an annual distribution of 90,000*l.* for the 300 fellowships. Nineteen heads of colleges preside over the leading collegiate institutions of Oxford, and their collective income is estimated at 23,000*l.* a year. In actual practice, colleges at Oxford contrive to fix their time of election for new Fellows so as to catch the students who are just out of the honour examination schools for the B.A. degree. The whole body of Fellows of a college at Oxford are electors, and they naturally examine in what they know, and the conduct of the examination, according to Rector Pattison, "usually falls into the hands of the youngest on the list, as himself most fresh from the performance of the exercises in which the competition chiefly consists. A fellowship examination is thus a mere repetition of the examination in the public schools, by a less competent board of examiners. If a young Bachelor of Arts engages in the higher scientific study of any 'branch of knowledge,'

in proportion as his insight deepens, in that proportion he sees his hopes of a fellowship vanish; he will be easily distanced in 'Latin composition' by a junior competitor, warm from his feats of boyish rhetoric, or ready with reams of speculative declamation on 'philosophy.'" Twenty or thirty fellowships which become vacant every year are filled up by the same number of the most distinguished students of that year. Having described the course of instruction, and the possibility of "cramming" in the philosophical department, he said that at Cambridge, in 1862, the majority of the college fellowships were annually conferred on candidates who had obtained high classical honours in the degree examination. With reference to the Classical Tripos, that of 126 students who obtained places in the first class in the classical examinations, from 1851 to 1859, eighty-three were elected to college fellowships; and that a preponderance of encouragement is given at Cambridge to the classical student, not only in prizes, scholarships, and temporary rewards of various kinds, but also in the most solid and lasting rewards the University can bestow. The examinations at Cambridge for the University Scholarships, and those for the Chancellor's Medals, differ from the Classical Tripos Examination, chiefly in the superior value attached in them to composition, and in the original exercises in verse and prose required, both in Latin and Greek. When a graduate, either of Oxford or Cambridge, has thoroughly mastered the Greek and Latin languages, and has been appointed to the headship of an important school, he feels a pleasure in the success of the classical pupils under his care; but he can hardly avoid also being aware of the unsuitableness of exclusively classical studies to many boys in any modern school. A modern department has been formed in Marlborough College to meet the demand, at the present day, for instruction in branches of knowledge connected with the nineteenth century; and the Rev. J. F. Bright, Master of the Modern School at Marlborough, reports of this school, in 1862, that "scarcely a half-year passes but several boys, whose intellects were stifled in the uncongenial atmosphere of the classics, pass from the Upper School to the Modern School, and finding there room for their peculiar talents, regain their self-esteem, again set cheerfully to work, and gain, with their improved character, a good and sensible education, if not so perfect a one as the classical system offers. Nay, more, they not unfrequently attain high positions in the school; for the last two years the chief mathematical prize has been carried off by modern schoolboys." "Were there," observes Mr. Bright, "the same appliances for modern as for classical teaching, the same well-annotated books, the same carefully-arranged grammars, the same accepted curricula of classical authors, an education might be given in modern as accurate as in ancient subjects, while in comprehensiveness, in so far as it would be concerned with the wider field of modern thought, it might even have the advantage."* The University of London,

* "Appendix to the Report of the Royal Commissioners of Inquiry into certain English Public Schools, 1864," p. 513.

insisting on a knowledge of either French or German in its matriculation examination, has necessarily influenced all the schools and colleges connected with its examinations to furnish an accurate and grammatical acquaintance with either French or German to the students who propose to enter the metropolitan university; and the ancient corporations of learning at Oxford and Cambridge may abridge the amount of Greek and Latin required at their leading classical examinations, and may encourage in all the grammar schools of the country the study of modern literature.

EDUCATION IN INDIA.*

Education of the Masses in India. *By* SASIPADA BANERJEE.

THE education of the masses is utterly neglected in British India. They are trodden down by the superior castes, whose influence is anything but beneficial. The Hindoos are generally divided into four castes, the Brahmins, the Khitryas, Boyesas, and the Sudras. The Brahmins enjoy privileges, religious and social, in which the others are entirely debarred from sharing. Again, the last class is sub-divided into several divisions, according to their different trades or callings. Thus, those who weave cloth are known as the Tanty caste. Those who press out oil from mustard seed are called Kuloo; those who prepare shoes are called Moochee, and so on. Persons of one caste or class will not eat in the house of a person of another caste, or marry in any other class but their own. There is no sympathy between one caste and another. In ancient days education was confined to the higher orders; none but the Brahmins could read the religious books of the country, the Sudras were even forbidden to utter the word, Om, the name of God. The civilization and refinement of the ancient Hindoos were confined to the higher classes, the teeming millions were looked at and treated as beasts of burden. Under the Mahommedan rule the country assumed a still darker aspect, everything good was put a stop to, and even corruptions crept into the higher classes. The better days of India commenced from the time when the English took the supremacy of the country. After settling the political disturbances, the English Government in India directed their attention to the better administration of the country. Education commenced with the higher and the middle classes. Colleges and schools were opened in all the presidency towns for the instruction of the children of those classes. It might, however, be stated that the richest classes did not at first derive much benefit from this judicious arrangement of Government. They are not stimulated by the necessity of earning a living, neither have they any taste for literary acquirements, so that they have generally kept themselves aloof from all educational influences. The middle class came forward to reap the greatest benefit from the newly organized insti-

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* See *Transactions*, 1870, p. 352.

tutions opened by Government and by missionary societies, for the education of the Hindoos. The masses, however, have been hitherto entirely neglected. The schools under the grant-in-aid system which have been opened in different parts of the country by educated native gentlemen, have touched some of the higher orders of the Sudras, but the teeming millions are entirely without any educational influences whatever. These latter are satisfied with their present condition, not knowing anything better; they are so much degraded that some of them will not take any work if they can but pay the landlord's (Khajana) rent, and if they have rice in the house sufficient for the day's food. They are induced to work by hunger only. They know no thrift to provide for the rainy day, and the consequence is that hundreds and thousands die of starvation whenever there is any famine in the country. This will be the state of things as long as they remain ignorant. By educating these ignorant people, and teaching them the importance of habits of thrift we shall not only do them an immense good, but shall save the country from the famines and pestilence which now periodically visit it. It is now beginning to be felt by advanced Hindoos, and also by Englishmen residing in India, that the present state of things should be altered, for the good of the country generally, and that the lowest and the most degraded have a right to that education which alone can develop the faculties which God has given them. It is not only their right, but it is also the duty of Government to give them that education. The days have gone by when the ruler of a country regarded only his own comforts and enjoyments without considering the happiness of his subjects. In these days of civilization and enlightenment this state of things cannot be allowed to pass without reprobation from the enlightened community.

The Indian Government has done something toward the education of the masses by encouraging Vernacular Schools, but unfortunately this influence has not been generally felt. The circle Patshalas (petty village schools) are frequented by the children of the lower middle class. This system is looked upon by the Education Department in India as very feasible on account of its being less expensive than any other. But it has not touched the masses of the population. Government has of late given some attention to the question of popular education, which is now one of the leading topics of the day in India. It therefore seems desirable to bring the subject before the English public. As the ordinary elementary schools do not meet the wants of the masses, two other sorts of schools seem absolutely necessary. First, schools in which industrial work is combined with intellectual instruction. Where industrial work is taught along with some knowledge of reading, writing, and arithmetic, there will be a harmonious development of the mind and the body. The establishment of such schools would be an important movement. Habits of industry and diligence would be taught in them from early days, and at the same time the pupils would receive an education which would raise them from their present degraded condition.

Secondly, night schools—these will be for young men who have no time to attend any industrial or other schools, but have to labour during the day for their living. There should be a different system of education in the proposed industrial and the night schools from what is given in schools intended for the higher classes. Popular reading books should be prepared suited to the class of people for whom they are intended. Simple methods of giving instruction should be adapted to economize time, so that the working men may gain information and ideas in a short time without entering into minute details. It should be the aim and object of these schools to elevate the minds of the masses with better thoughts rather than to make them scholars. Of course, the door of further progress must be kept open to all, so that any one who shows aptness for further development will have opportunities of pursuing his studies in the higher schools. Education will raise the character and position of the working man. It is a great misfortune in India that labour is not reckoned honourable. He is regarded as the most respectable who does nothing. The effects of this mistaken notion are very injurious to the prosperity of the people. Even English education has not been able to root out this feeling from the national mind. Under the present grant-in-aid system English schools have been opened in almost all the principal towns in the country, and the universities have given a great impetus to education in the upper and the middle classes. Some of the well-to-do have been inspired to give their children English education, and they have taken advantage of the grant-in-aid schools. Their children receiving a little English education look upon their fathers as mean, so much so that some of them even attempt to hide their parentage. English education inspires them with an ardent desire to become clerks in the Government offices, where they will be able quietly to drive their quills. The hard-working life of their fathers does not suit them—labour is not honourable to them. This is sufficient reason for establishing industrial schools where labour will be taught as not only honourable but absolutely necessary. A separate sort of school and a different mode of instruction are thus required in order to elevate the masses of India.

In the present circle, a Patshala system, one Pundit, (a Bengalee teacher) goes about teaching in four or five Patshalas, each of which is under the management of a Guroomahasoy, who is an old schoolmaster class teacher competent only to teach boys arithmetic and handwriting. I would suggest that the proposed industrial and the night schools be under the management of some qualified teachers acquainted with English. Popular lectures should be given on practical subjects—such as physical science, agriculture, botany, mechanics, &c. These lectures should not be confined to the pupils of the industrial and the night schools, but should be open to the entire working people of the district. By these popular lectures I believe that great good would be accomplished; the importance of this cannot be sufficiently estimated. In places of business where many

children and young men work together to earn their livelihood the influences of education and enlightenment can more easily make their way, than by any individual attempt to bring together the children for the sake of education only. During the last fifteen years cotton and jute factories have been established by European capitalists in different parts of the country. Besides there are iron foundries and other workshops employing a great number of poor children. We have further coffee, tea, and other plantations which also give work to a large number. In all these places there are many children to be educated, if only schools could be opened to carry out the object. It is a subject worthy the attention of the capitalists, for by educating their workmen they would not only raise a low and degraded people but also improve their own resources. For the more educated and skilled the assistants the better would be the work obtained from them. Benevolent managers may be induced to open schools, but without the interference of Government, without some legislative enactment, the work of education cannot spread extensively amongst the factory operatives, since the desire of obtaining education has not yet been awakened in their minds. At Barahanagar, a manufacturing town north of Calcutta, the managers of the jute factory have already opened a night school in connection with their works ; but they cannot sufficiently exert their influence to bring their people to attend it regularly. Some authority over the children is required which the Legislature only can give. The best course, which would at once have a sure effect on the factory children, would be to introduce a half-time Factory Act into India, similar to that long in force in this country. We have tried every means in connection with the subject in Barahanagar, have visited the house of the working people and attempted to exert an influence over them to bring them regularly to the night school, but our endeavours have not been successful ; the more we direct our thoughts to the subject, the more important the Factory Act seems to us. In some of the large factories in India, such as that at Barahanagar, the half-time system is already in operation as regards the numbers of boys and girls and the hours of labour, but no arrangement of any kind is made for the education of the children, as is required in the half-time and the Factory Act systems. The introduction of the above Act in India seems, therefore, absolutely necessary for the education of the factory children.

We ought also to provide some education for the criminals, and especially for those whom the court pronounces and the public looks upon as such, though chance might have drawn them into wrong ways, without any will or premeditation on their part. How many of our present criminals have become hardened sinners because society would not receive them, neither would Government or the public do anything to improve their condition. The object of every punishment is to correct, not to make people worse. In India the case has been otherwise. For petty thefts little children are brought before the magistrate, whipped, and with a bad name put out into

the streets. Friends forsake them, society disowns them, and Government sends them out with the brand of wickedness and vice. People will not trust them with any work—penniless, friendless, and homeless, they are compelled to rove in the streets. And what is the consequence of this? They are brought again and again before the magistrates for offences, for which they are again and again whipped, and as usual turned out, till, for a graver offence, they are put in prison. On one occasion a boy, fourteen years of age, was brought before a magistrate only two days after he had been turned out with twenty stripes for a similar charge, and on being asked, when he was again fastened to receive twenty stripes, how he could think of stealing immediately after having been previously punished, he uttered a simple truth, which sets aside the present system of criminal punishment in India. "What shall I do? I have nothing to eat, my friends will not take me in; the court will whip me, and turn me out into the streets." These were his words. Though again punished, and perhaps willing to amend, he sees no means of procuring his food; he must go out again, to steal, or commit any other offence, till he is put into the prison, where he will be glad to remain rather than wander about hungry in the streets, and without being able to supply his necessities. Prisons and punishments have been long working to stop crime in India, but have failed; and how long is the experiment to be allowed to continue? To arrest the further progress of professional theft, vagrancy, and crime in India, the best course would be, first, to afford the education best suited to their circumstances to all persons who come under the direct control of Government in prisons. The Indian prison discipline does not include intellectual instruction, nor is education generally imparted to prisoners, except, in a few cases, through the medium of other prisoners, who may have obtained some education previous to their sentence. There should be, as in England, systematic attempts to raise the condition of convicts; secondly, to open reformatories and industrial schools for boys and girls, and to introduce that system which has been accepted for nearly twenty years in England.

I have humbly attempted to give a few suggestions for the education of the masses of my country, in the hope that the Council of the Social Science Association will bring this important subject under the notice of the Government.

Miss CARPENTER read a paper on "Female Education in India." She first explained that the social customs of the races inhabiting India, the Hindus, the Mahommedans, and the Parsees, had for many hundred years kept the women in seclusion and ignorance, and the British Government, when introducing a system of education into India, did not attempt to do anything for female education, in consequence of their principle of non-interference with social customs. The extension of male education had led to that of the other sex. In the Bengal and Madras Presidencies the missionaries gave the first

impetus to female education, and established schools. Enlightened native gentlemen took up the work, and the Government made a grant in aid. In Bombay Presidency educated natives began the movement, and girls' schools had been extensively established without any Government help. It was proved, therefore, that a desire existed among educated natives for the education of the female portion of the community. The schools now existing were at present very deficient in all that we should regard as necessary. The school accommodation was seldom good—there were no native female teachers, very deficient educational apparatus, and no infant schools. These could not be supplied without Government help, and voluntary effort was also needed. In accordance with the desire of native gentlemen, the Government made a grant to each presidency, in 1868, for the establishment of a normal school. Two previous attempts had been made, at Dacca and at Nagpore, to educate native widows, with a view to their becoming teachers. It was, however, impossible to suppose that women who had been previously uneducated could be transformed into teachers by a few years' instruction, nor could they learn the art of teaching without practice in a school under an experienced teacher. Existing girls' schools might be much improved by the introduction of well trained English mistresses; one of whom might superintend in a school where there was a head master who could act as an interpreter. Such superintendent could introduce with his aid the English system of teaching, which might be learnt by widows acting as pupil teachers in England, who might have charge of classes. The most advanced of such pupil teachers might enter the normal schools, and eventually good native female teachers might be trained. The infant school system should be introduced into India, the bulk of the girls now in schools being under eight years of age. Miss Carpenter recommended that in the meantime young women who had been educated in the various good institutions in India for the daughters of English or Eurasian officials, native converts and others, if duly qualified, should receive training in the normal schools, and their acquaintance with the language and with the country would soon make them useful teachers.

SCIENCE TEACHING.*

On the Teaching of Social Science in Elementary Schools.
By WHATELEY COOKE TAYLOR.

I CAN well understand the title of this paper sounding eminently absurd in the ears of some who are assembled here this day to hear it. The teaching of Social Science in Schools!—they will say—will you tell us first what Social Science is, and next, how so

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* See *Transactions*, 1869, p. 376; 1870, p. 329.

comprehensive a subject could ever possibly be made to form a part of ordinary elementary instruction? I am fully prepared, I say, for this preliminary ridicule, and with a view to conciliating those who I have supposed to be its originators, and with an apology to all others for this manner of introducing my subject, I have to make reply—I will, that is in fact my sole aim and purpose, that is the reason that I am here.

Social Science is the Science of Society, and Society is the name we give to the phenomenon of an aggregation of human beings with the circumstances that their congregating together give rise to. Science itself is the name we give to a number of rules, laws, or tendencies which proof or experience show to be invariable. Thus Social Science is the rules, laws, or tendencies, that are developed when a number of persons congregate together, and the studying it is the study of these rules, laws, or tendencies, and the teaching it is the teaching of these rules, tendencies, or laws.

This is what it is; I will further tell them what it is not. It is not the science, that is, the rules, laws, or tendencies, of any man or woman or thing in any other than in the social state, that is in relation to other men, women, or things. It is not for instance the rules, laws, or tendencies of a man in relation to himself, or a woman in relation to herself, or a thing in relation to itself. Not again of a human being in relation to anything superhuman, or a material object in relation to anything immaterial. Not even of a material object in relation to one human being, but only in relation to several. Were there no mixing and meeting of men and women and things, there would be no social science, nor is there any now except on account of and concerning this mixing and meeting.

But when a mixing and meeting of men and women takes place, and they utilize and are engaged with the qualities of each other and of the things that surround them, then various relations between each other, and between each, and other, and these things, are established. And these relations, which are as much a portion of nature as the men, or the women, or the things, and as necessary and invariable in their tendencies, are the subject of this science, and are to be provided for, or against, as they affect the community well or ill. It becomes vastly important then to watch the tendencies of these relations, to endeavour to understand them, to systematise them as soon as understood, and impart the understanding to others, and this we may do by means of other rules, laws, or tendencies, affecting our inner consciousness and will, with the origin and nature of which this science has nothing to do.

I hope I have satisfactorily answered the first question. I shall suppose that I have done so.

When these tendencies or laws have been sufficiently watched to be understood, and sufficiently understood to be reduced to a system comprehensible by human intelligence, the time has come to teach them. How then is this to be done?—how is Social Science to be taught in schools? Now the expression "the teaching of science"

often conveys to people's ears a wrong impression from what I here mean. It suggests a very lengthy and profound course of study, the investigation of many recondite and remote considerations. Such a notion is correct of those who endeavour to make themselves conversant with all parts of a science, or with all sciences, for nothing short of Omniscience is capable of this, and those noble spirits who attempt it are in reality, as they well know, but approaching as near as may be permitted to this great ideal—"picking up shells on the shore of the great ocean of truth." But it is nowise true of the most important results of scientific research. It is indeed so much the contrary, that these when once thoroughly comprehended seem to us so simple as to be self-evident, and we cannot understand how we or any one else can ever have been so stupid as to have been blind to them. It is that we are the slaves of words;—that word "science" has a learned sound, and not always do we realize and remember what it is, namely, the explanation, and nothing more, of those forces which we find in operation around us. Combustion, gravitation, atmospheric pressure, roundness, hardness, perspective, distance, here are a few of the scientific truths which we early learn with perfect ease, and on which many centuries of painful research have been expended, and probably will be expended throughout all time. Yet if I were to propose to you to teach the mathematical and physical sciences in elementary schools, would it not seem to you even more strange than my proposal to teach the social science? Nevertheless I propose to you no more in the one case than in the other. I propose that as the results of physical and mathematical scientific research are taught to the young, so should the result of social scientific research be taught. At present this is not done. It is thought highly important to teach a child of the nature of the Earth that it is round,—a most difficult conception for him to realise,—but not of the nature of health, or wealth, or government, matters of infinitely greater consequence to him and far easier of realization. You hold it a prime essential of civilization that some knowledge should be had by all of the arts of reading, writing, and counting; but not so of the arena in which these arts are to be exercised. Can absurdity farther go? Certainly the first thing to teach a child upon introducing it into a state of existence with which it was previously unfamiliar, would seem to be, some knowledge of the constitution and construction of its new abode, and the nature of the fellow creatures whom it was for the first time to meet, and of the laws that govern them. But this is generally the very last, and not unfrequently it is left to find them out by painful experience itself. True a fond mother will endeavour as much as possible to dissuade her child from knocking its head against denser matter or stuffing its fist into the fire, either of which performances the laws of physical science show to be injudicious, but of its relations to its fellows how much will she teach it? Nay, will she not teach that little wrong—the dirty little boys and girls will all be naughty, and the clean little boys and girls will all be nice. And yet there are other walls,

besides brick ones, against which young heads are "knocked" and injured; and other means of "burning your fingers" besides those primitive ones adopted in other days by Mutius Scævola and Cranmer.

I daresay it will be objected that the physical truths which I have here instanced are not, in fact, taught primarily in schools at all, but form part of the teaching of the domestic circle. That therefore my analogy does not hold good. To this I merely answer, so much the worse for the schools. It is the curse of our present systems of education, one and all, that their aims are so narrow and their possible utility so shamefully and deliberately limited. Because such is the case I see no reason that it should ever be so. I am not advocating a continuance of error, but the removal of it. Nor is anything that I shall say of the teaching of schools inapplicable to the teachings of the domestic circle, though the one happens to be my theme at the present time, and the other does not; indeed, I should like to see the two teachings far more closely assimilated. So far as advanced schools are concerned, I would have social science take its place alongside physical science, or mathematical science, or any other, but so far as elementary schools are concerned, I should like to see its obvious truths taught not only alongside, but before those of any other science. And I should like scientific training to take precedence of art training always in early life, and in all courses of elementary instruction. I would have the mind exercised and expanded before it is set to condescend to details. I would wish it to be taught to be large, and liberal, and generous, and humane, before it was taught to be anything else. Reading, writing, and counting, are exceedingly useful accomplishments, there are none more so, there are none so much so; but they cannot of themselves lessen one iota of the destitution, vice, crime and unhappiness, with which this world abounds. It is the application of these to right ends, and especially the right application of them, that gives them the only true utility they can ever possess. This is the legitimate aim of education, and I tell you with all previous deliberation as to the weight of what I am about to say, that without this aim and without this result, your education will ever be nothing better than a delusion and a curse. The study of the nature and the laws of health, and the nature and the laws of wealth, to take but two departments, but two of the principal departments, of social science, is beyond all comparison of immeasurably more consequence to humanity than the teaching of any other art or science that ever was,—to the individual as well as to the State. It is the teaching of these I advocate, and especially their teaching in elementary schools. Nor can I see any practical difficulty in the way of carrying out the scheme. Once a young student is sufficiently advanced to have been able to commit to memory that excessively complex matter, the English alphabet, even with the assistance of poetical and pictorial illustrations, he or she is sufficiently advanced to receive and lay to heart some simple

truths of health and economics. It is not more difficult to awaken a lively interest in the archery achievements of A or the canine proclivities of B, than in the cause of feeling easy or uneasy in one's self at times, and in the origin and nature of "things useful and agreeable" (*i.e.*, wealth). Were but one half the pains expended on teaching the latter that is wasted with much ingenuity on the former, society would certainly be the poorer both by many bad rhymes and many bodily and monetary complaints. I have sometimes found myself in a village or a factory school a melancholy spectator of what was going on around. Here would be an urchin solidly fixed in that terrible mental morass, the multiplication table, and vainly striving by bodily convolutions to wriggle himself through the frightful puzzle. Here would be another, bending his little body over a much blurred book, and hopelessly endeavouring by the combined exertions of his tongue and forefingers to trace straight lines and curves. A little further off a class would be spelling out its reading lesson with thoughts far, far away. I have taken up the books to learn the subject of their studies, and can any one not previously forewarned guess what in nine cases out of ten I have found it to be? I can scarcely expect you to believe me when I tell you that in those nine cases I have found it to be—Zoology! I have opened the book—a lion with a fine jaw development has stared me in the face, or a tiger preternaturally fierce. I have turned over the page and have fallen on a pelican; or again, and have dropped upon an elephant. Can any one conceive a folly greater than this! Were it electro-biology, or psychology, or photography, there would seem to me to be some excuse, for these are, after all, studies which are more or less concerned with the affairs of men. But these poor children who have nothing but their hard hands and soft heads to help them on through life, must, forsooth, be set to study the habits of brutes with which there is scarcely the slightest possibility of their ever coming in contact, instead of the facts and principles which are the laws of their existence, and which must inevitably shape their destiny in the time that is before them. Surely there is something fundamentally wrong in our system of education when this absurdity is permitted. It would seem as if all the perverted ingenuity of mankind had been set to work to discover something the farthest removed from human interests for human beings to be taught when it hit upon this subject. Yet this is but typical of the whole system; I do not of course object to the study of zoology, as such, but only to its taking precedence of every other. Why, in the name of all wonderment, should infant minds be early stored with horrible details of pelicans and tigers, and thereby provided with a strong tendency to nightmare? after all, every child is not miserably destined to be the keeper of a menagerie! But every child who lives is destined to fill up some place or other in the structure of society, and as it fills it well or ill will be prosperous or the reverse. How many of those who laboriously draw crooked strokes and add useless figures will make use of their poor faculties in these

directions hereafter, or will not rather forget them almost as soon as their schooling is done! but to every one the knowledge of the means of health and the means of wealth is of interest and importance, and the more so the older they grow. If but few of the hours spent in this mechanical trifling or in the production of zoological amazement, were spent in teaching the simple elements of social science, believe me, we would not have one accomplished penman or one great arithmetician less, and we would have many more contented, and sober, and right-thinking persons.

It remains to me to show that there is a present urgent necessity for this reform. In doing so let me ask any of you here to recall what was taught you in your childhood of the material social concerns of life. I will give you my own experiences. I was found originally somewhere or other, and this was my introduction to life. My duty on arriving there was to believe what I was told, and to do as I was bid. What I was told was that everything in this world was ordered so that good boys always obtained everything, and bad boys always came to bad ends; what I was to do of course was to be the one and not to be the other. In the amiable scheme of existence to which I was introduced, the political economy of Mr. Ruskin prevailed, and every one was rewarded according to his moral worth, not according to his utility to others, and least of all according to unalterable principles or laws acting altogether beyond his control. The more one laboured the richer naturally he became, and no affliction ever overtook any people but in consequence of their wickedness. Yet, strangely enough, poverty and virtue always went together, and money was "the root of all evil." The honest artisan, by industry and rectitude of conduct, invariably arrived at competence and a clean shirt, the dishonest infallibly became ragged. Nature was the abundant mother of us all, and was evermore heaping her benefits upon us.

These and such like are the teachings of childhood, and how do they prepare us for the truth? We pass the vegetable period of existence and begin to look round us, and to think—What do we now see?—and what conclusions do we draw? We see that almost every fact in life presents absolutely the opposite appearance from what we have been taught to expect, and we reasonably enough draw the conclusion that we have been taught wrong. We find that the good boys are not always the best off in this world, and that the bad boys sometimes are. We find that the consideration of moral worth seldom enters into questions of hiring at all, and that labourers are remunerated on far other principles. We find the more the earth is tilled, the less proportionate returns it yields, and we find that the most virtuous persons are sometimes visited with the saddest affliction. We find that nature, so far from ordering all things for our apparent good, visits us with plague, pestilence, and famine, with battle and murder, and inordinate desires, with poverty, disease, and death. We find that money is the source of good instead of the root of evil, and we have sometimes even the unlooked for spectacle

presented to us, of the hard-working artisan whose hair is still uncombed, whose clothing is ragged, and whose shirt is unwashed. How do we reconcile all this with the lessons we have been taught; we cannot do so, and vainly do we strive. If strong we revolt against the deception that has been imposed upon us, and seek refuge, it may be, in a worse belief; if weak we miserably succumb to it, and float torpidly down the sluggish waters of delusion to the great ocean of the unknown. Hence arise those violent disruptions of society when the deceit has become intolerable. Hence that period in life known to most thoughtful and imaginative minds, when all faith seems fantastic and all facts chaotic, and they recklessly seek refuge from both in misanthropy or cynicism. Do we not see something of this around us at the present time? Is not the character of our society unbelieving and unearnest? Is not this the tone of our popular literature? I do believe, that if many persons, considered to be educated and worthy of esteem, were asked their honest opinion on our social state, it would be, that the whole thing was incomprehensible, and they didn't much care.

But is it so difficult to understand the social economy of our time? By no means. There is much that is difficult and seemingly contradictory on its surface, but there is also much, and the more important part, that is easy and necessary and determinate. The mere knowledge that there are difficulties and seeming contradictions is itself a gain; it is something to find that the typical good boy is not necessarily all good, nor the typical bad boy necessarily all bad; it is the first great stride in a right knowledge of the world; it is the incomparable lesson of diversity. I have called this an incomparable lesson, for, compared with most others, it is so; but there is one other which is nearly, if not altogether, its equal, a lesson drawn even from those sad facts of poverty—disease and adversity, and from the necessity of opposing their devastating power—the great lesson of contrivance. Diversity and Contrivance! Let me but teach these two lessons thoroughly to mankind, and I will defy all the fatal influences of your false theories to corrupt them after. By the former they learn that, even as there are ever tall and short in life, and wise and foolish, so must there ever be great and small, and rich and poor, and that the theory of pure equality is untenable. By the latter, that the most virtuous person or community may struggle in vain against poverty and disease if he or they do not go the right way about opposing them, but, by judicious contrivance, this way may be found. Are not these more useful lessons than the others, or than those which a re-action from the others too often gives rise to? And are they not in themselves far nobler? Is it not grander to think of the variety of types of good and evil, and of their strange proportions and combinations in individuals, than to fancy all human character at one dead level? And is it not infinitely more stimulating to energy and industry to regard Nature in the light of an obstacle to be overcome, than in that of a blind minister to languid needs? And this is the right conception of it.

We see it in every triumph of human skill in the physical world around us with which this age is so familiar. Has not that Nature long since seemed to say to us, thus far shalt thou go and no farther, and she places rivers and mountains in our path, and oceans and vast deserts. And we reply to Nature, nay, but we will use Contrivance against you, we will turn your powers on yourself, and we bridge the rivers and pierce the mountains, we send ships across her seas, and seas through her deserts of sand. And, as in the physical, so in the social word. Nature has seemed to say, I will grow poisonous herbs to pollute your blood, and I will send pestilence and famine amongst you, and a selfish desire for gain to promote a scarcity. And we reply, your poisonous herbs we will, by contrivance, use against your pestilence, that they may each destroy the other, and your selfish desire for gain we will utilise to lay up large store of provisions against the time when your famine comes. These are the lessons to teach mankind; not of the uselessness of riches, or the happiness of being poor; and these are the lessons of social science. The uselessness of riches! Was there ever so demoralizing a falsehood proclaimed? The happiness of being poor! Mean and selfish indeed would be the spirit that could feel that happiness.

And if these mock doctrines are dangerous and demoralizing to the more prosperous among us, as they too surely are, how much more are they so to those whose very existence is dependent on their truth or falsehood. I am aghast when I ponder this awful consideration. Let me put to you a case, that we may rightly measure the abyss by which we stand. I bring to you a man, honest, sober, and high-minded, a man who has for thirty years worked ten hours a day that you may live in luxury; who has a numerous family at home whom he has steadily striven to bring up in the fear of God and love of man, and who is at this moment, he and those hapless ones, Starving, dying from inanition, perishing for want of food—for want of food!—from off the surface of this fair and smiling earth! Will you tell him of the bounteousness of Nature?—that poverty and contentment ever go together, and riches are but vanity? Will you dare to repeat these puerile fallacies now? You will not dare to do so lest he strangle you for the affront. Why then have you ever taught them? Why have you misled this man? Surely if they ever were good for anything, now, after a long life of industry and rectitude of conduct is the time that he should see their fruits. Were they ever good for anything? Are they true? Are they not true? Are they palpably and shamefully false? They are! Then how have you ever dared to teach this man that which you knew to be a lie, and shall he not, now that he has found it out, be revenged on you? He has ever had the harder lot in life already, it is he who has toiled while you have enjoyed its fruits, and yet on this very point, this matter of labour, wherein you have from the first had the advantage, this vital, this essential, this supreme point, you have grossly and needlessly deceived him! Grossly and needlessly deceived, for all these sad facts of nature

might have been explained to him from the first had you but sought to go the right way to do it. What have you taught him of diversity and contrivance? What of the infallible operation of the great economic laws of supply and demand, by which his remuneration has been regulated from the first? How have you explained to him the principles of population, and the law of agricultural industry? You have taught him none of these things, and when your foolish fancies miserably break down, and he is face to face with want, he blames not nature that she is exacting, but man that he is unjust, and your own ruin and his ensue.

This is no fancy picture; it is very far from it. I warn you that such a crisis as I have described is fast approaching, that you are tottering on the edge of such a precipice. There is a portentous phantom dogging the steps of our prosperity, and it already casts its vast and threatening shadow before it. I allude to the International Society. Do not mistake me; I desire to speak of that association with all reserve as of one of which I know very little, nay, with all respect as of one whose objects, so far as I understand them, seem eminently creditable and humane. These objects appear to be to better the condition of the labouring classes, and to promote the Christian's fondest dream of "peace on earth and good will towards men." But their doctrines of the means by which this is to be accomplished are poisoned with error. How could they be otherwise? You have sedulously taught them one set of fallacies for many years, and at last they have found you out. What is it natural they should do, on finding these to be bitterly untrue, but to plunge into others exactly the reverse? You have told them not only that the earth is yours, but "the fulness thereof," and for a time they have believed you. But with advancing knowledge they have learned that the "fulness" is theirs, and take care that they don't demand the earth also. You have both of you ignored in both your social systems to whom really belongs both that fulness and this earth, and whose inflexible laws you never can attempt to supersede with impunity. It is only by a resolute study of those laws, those vast and exquisitely adjusted laws of social science, and by a wide diffusion of the knowledge of them, that you or they can hope to avert the consequent catastrophe that is impending. I beg of you not to lightly dismiss this caution. I tell you that your social system is honeycombed with secret dangers, and I call on you to provide against them. Let this be done in other countries by the last resort, such has never been—let us hope it never will be—the spirit of this nation. You must meet them half way; you must face them with truth and science; it is with the school book you must disarm them, not by the manœuvres of your military and police. You have just started a vast educational organization, to what account is it to be turned? Will you still teach your scholars to scrawl unlovely characters, and study the habits of hippopotami, or will you instruct them truly in the material concerns of life? On the answer which you shall ultimately give to this question rests your hope of safety in the future.

Mr. Joseph Payne, of London, read a paper "On the Teaching of Elementary Science as a Part of the Earliest Instruction of Children." The writer commenced by referring to the fact that at the last Birmingham meeting of the Association he had maintained that the "results which were paid for" ought to include the opening of the children's eyes to the wonderful natural phenomena by which they were surrounded, and which continually asked to be examined and appreciated, and to Canon Kingsley's quotation of these words in his address, as President of the Education Department at the Bristol meeting, and his recognition of the principle they represent, as "not only the sound foundation for all our technical eduation but for all education whatever; which," Mr. Kingsley added, "must be built on Nature and Fact, these being, to use Lord Bacon's expression, the voice of God revealed in things." Carrying out this idea, the writer maintained that Nature and Fact's curriculum of instruction, being especially adapted to the circumstances of children when first made the subjects of formal teaching ought to supersede, or at least supplement, old Established Routine's curriculum, which had been allowed to usurp its place. All human beings, he urged, are pupils in the great school of Nature and Fact before they come under formal instruction, and their earliest lessons under the professed teacher ought to be a continuation of those already received; a continuation in the same spirit, and by the same means. The teacher who talks of beginning a child's education forgets that the course of instruction really began at the child's birth, and is already far advanced. In taking his pupil in hand, he ought, in order to make his lessons truly effective, to enquire what the child learned at the last school, and how he learnt it. If, instead of doing this, he introduces self-devised plans, having no relation to that by which his pupil has learnt all that he already knows, he will quench instead of quickening intellectual life. This is a very common result of ordinary elementary teaching, conducted by men and women who have never been scientifically trained to teach, and do not really know what education is, and what it is capable of effecting. Now Nature and Fact do their work by bringing the child's mind into direct contact with material objects, a contact which first excites observation, comparison, judgment, and reasoning, and secondly, stimulates the mind to experiment and invention. The professed teacher, who takes nature's place, should adopt her plans, and, by training the youthful mind in her spirit, lay the foundation for all subsequent instruction, whether scientific or literary. Observing, moreover, that nature's curriculum of instruction is confined, for the most part, to lessons connected with physical needs, and is received unconsciously by the pupil, the teacher should recognise it as his special business to convert the unconscious employment of the faculties into a conscious employment, in which, while the materials and spirit are the same, the object aimed at is higher, and the method more systematic. Nature makes her pupil a man, it is for the teacher to make him a cultivated man. Hence the necessity for the teacher, whose con-

scious action and influence are to carry on the processes already commenced. The fact must be recognised that, although Nature has taught the child much, she has left him in a rudimentary condition. She has taught him to observe, but not to observe accurately; to notice the relations of objects to each other, but only in a general way. The teacher is to supplement her work by making what is lax—strict, what is general—special; to keep the pupil's attention fixed on an object until it is fully appreciated by his mind. The entire process, then, of the earliest instruction should be one of training the faculties for their subsequent work, and for this instruction God's book of the universe is better suited than any books of men. The facts and phenomena of nature are the sentences, words, and letters, which, before all others, the child should be taught to read; and if taught to read them by a teacher who knows his business, they furnish the soundest and the most interesting instruction that the child is capable of receiving. The materials also for the lessons are constantly at hand, the faculties for using them are constantly ready for use, and it is the very *raison d'être* of the teacher, the purpose for which he exists, to bring the materials and the faculties into contact, and thus to make the child find tongues in trees, sermons in stones, and books in the running brooks. For want of such teaching the child grows to a man, and as a man lives all his life, carrying with him eyes which do not see, ears which do not hear, a mind which does not think. By means of such lessons the art of observing may be definitely taught, the art of inventing prompted, and the method of scientific investigation initiated. One obvious and inestimable advantage of such a course is that, by bringing the child's mind into direct contact with facts, he learns from the facts themselves, not from the second-hand explanation of others. He sees, hears, handles, analyses, for himself, and therefore knows well what he knows at all. This quickening instruction, which involves real mental discipline, through the exercise of the mind at first-hand on matters of fact, ought to accompany if it does not precede all literary study as well in primary as in all other schools. We have a right to demand that the children of the poorest, instead of being confined to the hum-drum of the three R's, taught, as these generally are, in the dullest and most unscientific way possible, shall have their eyes opened to the wonderful natural phenomena by which they are surrounded. That these suggestions are not merely theoretical is shown by the fact which came under the notice of the writer after his paper was written, that such a course of instruction, practically applied to Botany as a "fourth fundamental branch of study, which shall afford a systematic training of the observing powers of children," has been carried out by Miss Youmans, of New York, and expounded by her in "First Book of Botany," published by Messrs. Appleton, of New York. It has been shown, in this valuable little work, that early education can be rescued from the routine of mere verbal acquisition, by a method that stimulates curiosity, awakens and trains observation, and by making the

pupil a subjective agent in his own instruction, induces a habit of independent thought.

INDUSTRIAL TEACHING.*

Mr. W. H. Herford, of Manchester, read a paper "On the Half (School) Time System, as applicable to the Early Education of all Classes." Objectors, he said, might be asked to show why such time should not be divided between physical and mental training. Combined bodily and mental training ought to be adopted, because play, while very important, would not do everything for the body any more than for the mind. Half-timers (factory) got on with their head work as well as whole (school) timers. Bodily work in school age was far more needful to children of the wealthier class. In dealing with this question conventional objections could not be considered, as class distinctions ought to have nothing to do with education. Want of time could be met by teaching better, and by teaching nothing useless. The chief direct argument was the importance of physical training; while the chief indirect argument was that mental pressure on children during their school age was too great, was increasing and ought to be lessened. Experienced teachers had given their opinion that from two and a half to three hours of close mental attention was the most that should be exacted from children under thirteen, and probably if more was demanded more was not really got. The advantages of this regular physical training were very many—more, in fact, than people calculated. It promoted a sound mind in a sound body, and weariness of learning would not follow: the taste for reading would grow, not be stifled. Such a system of physical training, for boys as well as girls, should begin with the Kindergarten games and exercises till seven years of age; then from seven till fourteen there should be drill, hard work and singing; and at fourteen classes would naturally divide. Those who went to work for their living would only need intellectual help; while those who studied on would continue bodily work and drill to the end of their school time. Whether such a scheme was practical or not was not the question, but whether it was wise and right must one day be realized.

Mr. Charles Lamport read a paper on "The True Incidence of School Education on Industrial Efficiency." The object of this paper was to show that the true incidence of school education on industrial efficiency is to be found in general culture, in contradistinction to what is called "technical education" pure and simple. Estimating the supposed effect of school training abroad in giving point and force to foreign competition, by our trade returns, that effect appears greatly exaggerated. During the last fifteen years our exports have nearly doubled, and to those countries which are said to be ruining us by their competition, those exports are largely in excess of the average increase. Further, the effect of lower wages

* See *Transactions*, 1865, p. 362.

and protection, both fiscal and by carriage, is illogically overlooked when cheapness is spoken of; and cost of production is ignored when quality is in question; and when taste and variety in design and colour are concerned, no fair allowance is made for the influence of climate and of race. The pointless, pithless, illogical replies made by most of the Chambers of Commerce of England to the circular inquiries of the Vice-President of the Board of Trade in 1867, prove how little the subject of education, and its effect upon industrial efficiency, is understood in this country. Not a single reply touches either the letter or the spirit of the question.

No distinction is made between instruction in the technicalities of any trade, and instruction in the sciences applicable to those trades.

No distinction is made between the deficiencies of masters and men, *i.e.*, directors and manipulators, when the want of "technical instruction" is assigned as a cause of a successful foreign competition in industrial productions.

The assumed fact of successful competition is ascribed in a manner the most loose and vague, to the absence of "technical instruction," without an attempt to state precisely how, when, and where, the want of it is felt.

No distinction is made between competition in articles the product of machinery, and in articles the product of manual labour; nor between articles of utility and necessity, and those of taste and luxury.

A statement so hazy and inarticulate might be safely overlooked were it not that it engenders and supports a general misconception of the real state of the case: and may help to do mischief in preventing the spread of a good, sound system of school instruction. Supposing, however, that technical education is proved to be the cause of foreign superiority, if it exists, the extent and meaning of that education, as shown in the "trade" and "practical schools" wherein technology is taught, may be learnt from the report of a French Commission to inquire into technical instruction in Germany, Austria, and Switzerland, lately laid before the Parliament of this country. A glance at the curriculum of the "trade," and the "practical schools" of Prussia and Germany, will show how thoroughly the subordination of mere technology to general culture is maintained in these schools.

In 1860 there were twenty-five "trade schools" in Prussia. The average class hours for summer and winter is $53\frac{1}{2}$, of which $6\frac{1}{2}$ only have any special reference to technology, namely:—

	Hours.
Construction and estimates	3
Study of machines	$1\frac{1}{2}$
Industrial chemistry	2
	$6\frac{1}{2}$

(Drawing is also taught; but England is not deficient in opportunities in the present day for acquiring this art.)

In the "practical schools" the time devoted to the different lessons in each week, and for six classes, is as follows:—

	Hours.
Religious instruction	12
German language	16
Latin ditto	34
French ditto	32
English ditto	9
Geography...	8
History	11
Natural history	8
Caligraphy...	7
Mathematical and commercial calculations ...	19
Physics	6
Chemistry	4
Geometry	11
Singing	7
Gymnastics	12

The opinion of the Commissioners upon the course of instruction is expressed in the following extract from the Report:—

"The 'Practical Schools' are not frequented by those who desire a high literary education," and it is added, "still less do they offer technical instruction bearing more or less directly on industry." A very significant remark follows:—

"At the period of their foundation an effort was made to give part of these schools a more technical direction, but it could not be sufficiently scientific or sufficiently practical to attain the end desired, and the results were anything but favourable."

At Chemnitz (Saxony), there was a school for master artizans with forty-nine pupils, and one for master builders with eighty-four, but the curriculum of the average "practical schools" is nearly identical with that already particularised for Prussia, and in them there is, strictly speaking, no technology taught.

The Bavarian course of instruction in the "Industrial, or Trade Schools," adds, to the Prussian standard instruction in the "elements of mechanics," four hours out of 180, in place of instruction in the Latin and English languages.

On the whole that Report clearly shows that special or technical instruction is subordinate to general culture; and the opinion of a "distinguished professor" is quoted to prove that the race in special scientific knowledge is ultimately won by means of general, not special training.

More recently information was sought by Lord Stanley "relative to technical or industrial education in foreign countries," in a "circular addressed to Her Majesty's Minister abroad." This comprised a series of questions to be answered by, or through those ministers. The result is a Blue Book published in 1868, of 554 pages. The spirit of the question is embodied in question 2, "what advantage, if any, has resulted from these schools, &c. (industrial

schools), in promoting or extending the manufactures with which they are connected?" To this question Mr. Lowther replies, for Prussia, "The advantage obtained is, that there has been a very good class of workmen established which thinks, and has a knowledge of the things they are required to make, and consequently comprehends more easily. The class of workmen has become also better mannered, more civilized and refined." For Sweden, Mr. Doria very vaguely replies—"Artistic skill, and skill in the production of works of industry, have undoubtedly been promoted by these schools." As to Holland, Mr. Burnley states—"The foundation of all these schools (1857) is of too recent a date to admit of any conclusion in this respect. It must be remembered, too, that they are intended for the diffusion of general knowledge, without any reference to any particular profession or trade." For Denmark, Mr. Strachey honestly states his inability to answer the question otherwise than by "mere conjectures and impressions," and, therefore, wisely prefers "to leave them without reply." In reference to Switzerland, Mr. Rumbold says—"Technical instruction, strictly so called, for the working classes, is little known, and still less believed in, in Switzerland, and without much exaggeration, as pithy and conclusive a chapter might be written respecting it, as the celebrated one on 'Snakes in Norway.' What is believed in, and what is most conscientiously carried out in Switzerland, is thorough general education; education for the masses reaching down to, and purifying, as it were, the lowest depths of society." From France the result of the inquiry is a report drawn up specially by the "Minister of Public Instruction," and no categorical answers are attempted to the questions. The following extracts will show the scope of the whole document, having reference to the points discussed in this paper. "The general education is never given with a view to one trade or pursuit more than another." "Public education comprises, as is well known, three degrees, namely, primary, secondary, and superior instruction." Of these, secondary instruction "prepares the pupils for various pursuits—as schools of industry, commerce, and agriculture. Technical instruction seems thus to be the crowning of the edifice of secondary special instruction, as the higher course of instruction is that of the secondary literary and scientific instruction."

Reverting once more to the report of the French Commission respecting the effect of technical or partial instruction, as compared with that of general culture in the after pursuits of life, the following extract is strongly confirmatory of the superior advantage of the latter. "The experience of the military schools at Metz and St. Cyr has long shown that the pupils who combine advanced literary acquirements with the study of the sciences are nearly always those who attain most distinction in after life." From America and from Austria no report has been printed, but quite enough is set forth in the two reports (that of the French Commission in 1863, and in the English Consular one in 1867) to show that if foreign competition

be a pressing reality and of national importance, and if it be founded upon educational advantages, it is clearly not upon the limited, one-sided, exclusive culture which we in England understand when we use the ungrammatical and undefinable term—Technical Education. The educational superiority of the German, no doubt, is unquestionable; but its utilitarian effect in life is rather felt and shown by the general atmosphere of knowledge it diffuses, acting and reacting, than in specific results. What boating, cricket, football, &c., do for our English youth, in engendering and upholding a spirit of athleticism, the acquisition of knowledge does *more suo* for the German and Swiss. The latter dare as little be ignorant as the young Englishman dare be a milksop and a coward.

To the German and Swiss, knowledge, the possession, and intelligence, the condition produced are requirements as pressing as the calls for food and of raiment. But there is nothing partial or technical in this, and beyond the admitted evidence of superior culture in the German, and of taste, aptitude in design, from race and climate in the Frenchman, the bill of indictment against the English workman's intelligence may be ignored, in the face of the enormous increase in our exports to Germany and France. All the great conceptions and enterprises of the last half-century—steam engines, railroads, telegraphs, &c.—have been originated and worked out by Englishmen, and we may safely leave the region of taste and suggestive skill in design to the more versatile foreigner, looking for the adjustment of advantages in Free Trade. The cry that our artisan must be educated in applied science is made in evident ignorance of the genius of our gigantic trade organizations. Division of labour on the one hand, and the economical necessity for interchangeability of parts in various machines on the other, claim from the English artisan not comprehension, but concentration of ideas. The tendency of the age is more and more towards the substitution of machine for hand labour, and brings the condition of the residuary hand labour more and more to the nature of the single machine it feeds and watches. The successful working of a large manufacturing establishment depends upon the merging of individuality, in system. Thought, theory, inventive skill, and scientific applications, except from the head of the concern, would be simply disturbing or destructive elements. Nay, even the heads of large concerns must sink thought and originality, as to results, into close watching of merely economical processes to produce those results. He is no longer asked to design, but to tender for the execution of certain plans submitted to him, not for criticism but for calculations of cost. The engineers of railways, of water-works, &c., design their own engines, and would resent interference. Hence, it is really becoming the case that education is not required to stimulate and to lead, but to follow in order to counteract the hardening effects of an inexorable industrial system. It is wanted not to make a man so much a better worker as to keep up his power of thought, and retain the softness of his humanity! The manager and master class in this

country is unquestionably deficient in scientific training—but we have German testimony to the fact that it must be grafted on, not be a substitute for general culture. On the whole, the agitation for so-called technical education seems to proceed from the popular fallacy that ready-to-hand expedients are most practical and therefore best; but the most practical is that which is the most enduringly effective; and "cram" and superficial training are of all expedients the least philosophical and least utilitarian. If special or technical instruction be not desirable on the ground of its being the partial, although ready, remedy for an acknowledged evil, neither is the argument admissible that it is good, because it may be better than nothing; inasmuch as on the one hand it consumes time and opportunity needed for general culture, and on the other hand tends to relax effort under the idea that the best remedy has been already applied. On the foundation of general culture, technical and special scientific training may be erected; but, taken alone, the tendency of all partial training is towards one-sided and imperfect mental development, the opposite of what ought to be the aim of all educationists, even for industrial purposes. As regards the artisan, the workshop is the best practical school for technicalities, and apprenticeship the time for learning; and if masters provided in that school, as by the apprenticeship contract they are bound to do, adequate, that is to say, theoretic and scientific, as well as manual training, our workpeople would be second to none in the world. The greatest failure is in those best able to help themselves—the manager and master class; and if this class continues inferior, the remedy is easy and efficacious, namely, to bring over to this country the best foreign managers, as Minton and others have done. On the whole, with great room for improvement, there is no valid ground for alarmist views. Not only do we maintain the lead in supplying the world's material wants by the produce of our labour and capital, but every important mechanical invention, every valuable scientific discovery, and every original movement for promoting human civilization, has sprung from English brains and been worked out by English energy. If, in the face of this broad fact, it is asserted that the fine edge of our intellect is gone; that the foreigner is ahead of us, and that henceforth we must take a secondary place in the world's great race, all that need be said in reply is, that such inferiority adds to our wealth, stimulates our energy, strengthens our resources, increases our influence, promotes intellectual activity, and gives us liberty, peace, and contentment.

MISCELLANEOUS.

Mr. H. H. Sales, Hon. Sec. of the Yorkshire Board of Education, read "A Survey of Educational Work in Yorkshire." The paper compared the means for primary education in the elementary schools

of Yorkshire with those supplied throughout England and Wales. Of the 269 school boards in England and Wales in July last, Yorkshire stood at the head of the list with thirty-two, twelve of which were in boroughs. These twelve boroughs had a population of nearly one-half of the population of the whole county; so that it was found, without including the population comprised in the jurisdiction of the remaining twenty-two parochial boards, that in the space of one year one-half of the population of the county had been brought under the beneficial influence of the Education Act. Speaking of the quality of the education given in the county, the author drew favourable comparisons, and stated that there were 101 science schools in Yorkshire, or one-seventh of the whole number in England and Wales, having 2502 students. The first step of any magnitude taken to improve the quality of education in the county, was the resolution of the Yorkshire Board of Education to establish science classes for the elder children of primary schools at Sheffield, in order to show that the rudiments of science could be taught to schoolboys with beneficial results. The amount of knowledge gained was considerable, which was borne testimony to by the parents of the children and the schoolmasters. The necessity for a continuation of these classes has since been obviated by the special grant to the managers of State-aided schools for each scholar who passes a satisfactory examination in some definite branch of natural science. There were two trade schools in the county, one at Hull and the other at Keighley. By trade schools was meant schools in which the pupils receive a thorough general education, and are also instructed specially in those branches of science which are connected with the trade of the district. In 1854 the former was visited by Dr. Lyon Playfair, C.B., who reported to the Trinity Board that the appliances for teaching navigation efficiently were very small, and the results of training bad. The school was consequently re-organized, and is reported now to be a model school in every respect. The school was placed on the list of the science schools of the Science and Art Department, and the boys have been annually examined by the Government. It now stands at the head of the science schools in its special trade subjects, and the boys on leaving the schools go to sea in first-class ships as apprentices. With respect to that at Keighley he especially directed the attention of the Congress to two important principles upon which the school was founded, and the result of their application to the education of the district. The first was that a central institution giving instruction of a high standard should be planted in every district, and so organized that it should draw all the best school boys from the smaller schools up into it; and the second, that the day school instruction should not be abruptly terminated when the labour-life commenced, but still be systematically continued. Keighley might well be proud of its trade school, and to the excellent managers thereof was the honour due of being the pioneers of an important educational movement in the manufacturing districts of the north of England. The school was opened in January, the

object being to supply a liberal and practical English education, supplemented by the systematic teaching of such art and science subjects as are applicable to the trades of the district. Of the endowed schools it had become, with hardly an exception, necessary to re-organize them, in order to conform them to the requirements of the day. With regard to the Yorkshire College of Science which it had been determined to establish, he said it was designed for the use of persons who would afterwards be engaged as foremen, managers, or employers in engineering, manufactures, agriculture, mining or metallurgy, and also for the training of teachers of technical science. The total cost of the college would be 100,000*l*., towards which already some munificent subscriptions had been promised by Sir Andrew Fairbairn and others. The Dean and Chapter of Durham had promised a scholarship of the value of 100*l*. per annum, and the Endowed Schools Commissioners held out the hope of substantial aid in the appropriation of mis-appropriated non-educational endowments. During the two years that have elapsed since it was determined to establish the college, the Committee have been engaged in the preparation of an elaborate scheme which will shortly be submitted to the county. There were nine Schools of Art in the county, being one-thirteenth of the number in Great Britain and Ireland, and according to the same ratio having 1502 pupils. The annual examination in elementary knowledge, in connection with the Yorkshire Board of Education, he said, had produced unmistakably good results in providing a common course of study for the various institutions devoted to the primary education of adults, and in testing annually the efficiency of the teaching. Moreover, the certificates and prizes have exerted an appreciable influence upon the industry of the pupils. Mr. Sales directed attention to the evening science classes, and afterwards referred to the Universities' Local Examinations. There are six permanent centres, Harrogate, Huddersfield, Hull, Leeds, Sheffield and York respectively, and occasionally an extra one at Wakefield. The number of male students presented for examination during the ten years the first centre for the local examinations of the University of Cambridge was established, rose from twenty-eight in 1860 to 290 in 1870, or 150 more than Lancashire, and eight more than London. Taking the whole country into account, more than one-sixth of the local work of Cambridge University was done in Yorkshire, where, last Christmas, there were 290 candidates. Educational lectures of a high class, first established in 1867, had been given to women in Leeds, Bradford, York, Sheffield, and Huddersfield, and they had been attended by considerably more than 2000 students. A Students' Library and an Educational Depository had been established by the Yorkshire Board of Education for the use of educationists in Yorkshire. The popular concerts given on Saturday evenings in the Town Hall were described as having been of the greatest service in educating the large numbers attending them to appreciate and enjoy really good music, and all admitted that the Corporation could not make a better use of the Victoria Hall

than by providing cheap and elevating entertainments for the people. On certain days the borough organist confined himself to organ recitals, when were introduced not only the standard works of the great masters of organ composition, but also excerpts from every new work of importance, which could possibly be transcribed or satisfactorily executed. As to the cause of the educational activity in Yorkshire, the author of the paper said that thirty-four years ago Mr. Baines took the initiative in founding the Yorkshire Union of Mechanics' Institutes, and to the labours of this Union was due the persistent public advocacy of education throughout the length and breadth of the county for upwards of thirty years, during the whole of which time Mr. Baines had been president of the Union. But it was to the practical labours of the Yorkshire Board of Education that so much of the educational result was due. Its policy was to initiate work and to carry on any portion uncared for by any other body, but it withdrew from any labour that could be done without its aid.

Dr. SPARK, the Leeds Borough Organist, read a paper on "Vocal Music a Necessary Branch of Education."* He said that in the cultivation of music, as in the establishment of schools of art and design, we are in the rear of most other civilized nations. The love of music pervades all classes of society. The existence of a natural taste for the art is widely spread, and needs only organization and cultivation to produce the most satisfactory results. The enormous sums annually expended in the United Kingdom — chiefly upon foreign art and artists — afford sufficient proof of the desire to gratify this taste for music at almost any cost. But, notwithstanding our wealth, our natural aptitude and love for the art, our constant demand for and employment of music in public and private life, it is a fact that our education as a nation is extremely defective in this respect; and our Government gives little or no aid towards the encouragement and development of this art, whose beauty scarcely surpasses its utility. Only a few years ago was withdrawn the paltry subsidy of 500*l.* to the Royal Academy of Music—the only institution of the kind we possess—and it was with considerable difficulty that Sir Sterndale Bennett, and other leading members of the profession, induced the Prime Minister to reconsider the question, and continue this small annual payment. And it is only recently—since the passing of the Elementary Education Bill, when a golden opportunity was afforded of making vocal music an indispensable part of the education of every child—that the energetic remonstrances of several good and earnest musicians succeeded in wringing from Mr. Forster the promise, not of assistance, but that in schools where music was not taught a fine should be imposed upon the teachers of 1*s.* per head. This is, indeed, a hard case. At present the children in all elementary and national schools are taught vocal music chiefly by ear, and without any authorized,

* This Paper has been printed in full by the Author.

definite system of part singing; there is a complete absence of plan, and great deficiency of knowledge on the part of teachers and inspectors. The result is most unsatisfactory, and utterly unworthy of our great and successful efforts in other branches of education. In our grammar schools the case is worse, presenting a lamentable contrast to the practice of our forefathers, and the custom in similar schools in other countries. Among the public schools where music is regarded as a most valuable, if not an indispensable, branch of education, I may instance Rugby and Marlborough, and St. Michael's College, Tenbury. Not only Germany and France, but America outstrips us in musical education. The Americans spare no trouble, time, or expense to gratify their taste for music. In Germany, as most of us know, musical education is universal and complete. In schools of every grade—in conservatoriums, at home and in public—music is taught, encouraged, and assisted by the State; loved, cultivated, and cherished by all classes of society, from the emperor to the peasant. But in England we are not deficient as a nation in musical instinct; far from it, for we possess some of the best composers, singers, and instrumentalists in the world; but these are individual cases, arising generally from inborn genius and indomitable energy and perseverance. The mass of the people, high and low, rich and poor, are musically uneducated, and prefer only what they can understand—weak, meaningless compositions. To this love of music, and this deficiency in its cultivation, we may attribute the spread of that sensuous, debasing class of so-called comic songs—which delight the young men of the period—in our music saloons and concert halls. To counteract this baneful influence the rising generation should have correct ideas concerning real music instilled into them before they can contract vicious tastes, ideas which will prove an everlasting and effectual antidote to any tendency to form vicious tastes. The best music should be performed upon every fitting occasion, and at admission prices within the reach of all. What we require in this country is sound musical instruction, and substantial, as well as systematic, government aid. Unfortunately in music, as in some other matters, the tendency of the age is towards display and not knowledge. This evil will only be remedied when it shall be considered indispensable for teachers to possess certificates of merit and efficiency, or musical degrees granted at our universities, by experienced musicians, by authorized colleges, or by national institutions. Something has been done, we are aware, by the Committee of Council on Education in the recognition of the Wilhelm and Tonic Sol-fa systems of teaching vocal music, but the concession is so small as to leave musical instruction mainly in the hands of uncertificated and incompetent teachers. It has been stated that the chief plea of the government for its first omission and subsequent tardy admission of music teaching in the clauses of the Elementary Education Act, was the fact that the inspectors generally are unacquainted with the art, and unable to conduct the necessary examinations. Doubtless this is a difficulty, but how has it been

overcome in America and elsewhere? By a course which I apprehend would at once be adopted here in respect to other branches of education—the formation of a commission of eminent professional musicians, who would report to the Government upon the best means of imparting musical instruction in schools, and of cultivating the art generally throughout the country. Doubtless it would be an advantage to have a central board, as in the case of the drawing department; and certainly there should be, as in America, district inspectors—the best and most cultivated men of the profession—whose duty it would be to visit all schools within their jurisdiction, to examine, direct, and encourage teachers as well as scholars in their knowledge and practice of music. An excellent scheme has just been drawn up by the Church Schoolmasters' and Schoolmistresses' Benevolent Institution of Leeds, in which it is proposed to improve the taste for part-singing in our local schools, by bringing together periodically, in the Town Hall, a large selected number of pupils to sing sacred and secular part music, simultaneously distributed for practice to each school. The teachers naturally feel that something ought to be done to improve the children's knowledge of part-singing; their present efforts being almost entirely confined to the singing of melodies only, thus affording a painful contrast to the pupils' acquirements in this branch of education in Germany, Switzerland, France, and America. The writer sincerely believed that much might be done by which the means of musical instruction could be made so much greater, readier, and more efficient, that the people generally might be able to appreciate and enjoy the soul-inspiring strains of the great masters of song.

Mr. W. R. Selway read a paper on "Teaching Temperance in Elementary Schools." The paper commenced with an allusion to the fact that in the present day schoolmasters were not merely expected to impart book-learning to their pupils, but also to teach them the laws affecting the physical welfare of their bodies, and the sanitary arrangements upon which the health of communities very much depended; and doubtless all would admit that an important part of such learning should be to throw around the young the shield of warning, both of precept and example, against everything which was either in itself an evil, or which, being innocent, might under some circumstances become the parent or fruitful source of mischief and crime. The teacher of the young would not be long in discovering that there was one evil—that of intemperance—which by the independent testimony of judges, magistrates, coroners, and medical men, city and other missionaries, and, indeed, of all qualified to give an opinion, was the great source from whence sprang most of the other evils afflicting the community. In the face of an evil like this and of testimony so unanimous as to its extent, the safest and wisest course would be to prevent the young of both sexes forming the habit of using these drinks, which could easily be done by training them to personal abstinence. The possibility of so doing was made most clear from the success which had attended the formation of

Bands of Hope throughout the country. Against this course no reasonable objection could be urged, for few persons were unprepared to admit that children were better without than with intoxicating drinks. When teachers to their other important duties added, as was to be hoped would soon be done, that of circulating information on the elements of science, including the laws of human physiology and the physical well-being of the race, the relation of intoxicating liquors to the human frame must have its due place in any such instruction. It was not desired, nor was it meant to be suggested, that temperance teaching should be introduced as a separate branch of tuition in elementary schools, but only that teachers should have such an enlightened appreciation of the importance of this subject as to be both able and at all times ready in giving general and collective lessons in those branches of ethics or physics to which the matter properly attached, to add words of instruction, counsel, or warning, as the occasion might seem to demand. It was also to be hoped that in future issues of such books the editors would eliminate from them the erroneous matter concerning the production and action of intoxicating drinks which too many of them still contained.

Mr. W. B. Dalby, Lecturer on Aural Surgery at St. George's Hospital, London, read a paper on "The Education of the Deaf and Dumb by means of Lip Reading and Articulation." The paper comprised a detailed account of the so-called German system, and discussed its advantages and disadvantages compared with the one almost universally employed in England, namely, talking by the finger alphabet (dactylology) and manual signs. Although the system was that chiefly in use in Belgium, Holland, Germany, Austria, &c., it was at the present time in its infancy in England, and it was urged that a fair trial of it should be given, and that it should be carefully investigated, so that, after a decision had been arrived at by those best able to judge, it might in future either be adopted in the place of the other plan, or discarded altogether. Reference was made to the history of teaching deaf mutes in this way, and the first account of it seems to have related to as far back as the year 700 A.D. Subsequently, in the seventeenth century, John Wallis, Professor of Mathematics in the University of Oxford, attempted to introduce it into England. The means employed to place the child's lips and tongue in the proper positions, and to induce it to evoke sounds, were described for the whole of the phonetic alphabet; also the way in which it was taught by joining the letters to form words, to read the same words from the lips of the teacher, to appreciate their meaning, to read them when written down, and finally to write them itself. It was shown how, although it was in the early part of the education, a tedious and wearying process to the teacher, mute children could be taught to understand what was said to them by watching the lips of the speaker, and to reply in ordinary language, which, if not euphonious, was, at any rate, perfectly intelligible. To show that this was not only possible, but the ordinary result of this kind of education,

schools in Rotterdam and Vienna were referred to, which are thrown open to the public on certain days of the week, and it was pointed out that so long as this result was achieved, the further instruction of mutes might be carried on indefinitely. The education of a child commences at the age of seven, and eight years are expended before words can be read from the lips of another, who speaks without more than usual clearness and precision. The time required will, therefore, be considerably more than for the other plan; but Mr. Dalby endeavoured to show that this argument ought not to possess much weight, if when the child leaves school he can understand and speak in the language of the many, while a mute who can only use the finger alphabet and manual signs will necessarily possess only the language of other mutes, and those comparatively few whom constant intercourse with the deaf and dumb has induced to learn their mode of speaking. It appears that it is quite impossible to combine the two systems, as it is found that if a child can talk on his fingers, he will never have sufficient perseverance to cultivate his powers of imitation enough to be able to acquire anything like facility in talking by the ordinary way. Nearly twice as many more teachers are necessary than for the old system, but the difficulty in procuring them, which at first sight might seem an objection, is to be got over, inasmuch as great experience is only demanded from them when dealing with quite the young children, and therefore the teachers, fresh to their work, would commence with classes of the most advanced pupils, and their duties would not involve more than the ordinary acquirements of schoolmasters. When they had become familiar with the method of instruction, they would be promoted to teach the less forward children, and as they progressed in skill their salaries would be proportionately raised. In this way an incentive would be given to acquiring proficiency, and as schools grew up, so would well-qualified teachers increase in number.

At the close of the paper, Mr. Dalby introduced Mr. W. Van Praagh, director of the Institution in London for Deaf Mutes, conducted on the German system, and Mr. Edward Polano, a pupil of his, who was born deaf, but who was able to understand spoken language, and to speak himself. Mr. Polano, when spoken to, watched the lips of the speaker with the closest attention, and the moment they ceased to move he gave his own reply, speaking with fluency and distinctness, but with a strange harshness of tone, which showed how utterly unacquainted he was with the sound of his own voice. In order to test the system thoroughly, the examiner stood a distance of two or three yards from Mr. Polano, and then, merely by the movement of his lips in forming the words, and without allowing any sound to escape from them, went on talking silently. The result, however, was precisely the same. Every observation was instantly met and answered by Mr. Polano, whose knowledge of language was thus unmistakably shown to have not the slightest connection with sound.

HEALTH.

REMOVAL AND UTILIZATION OF SEWAGE.

What are the best and most Economical Methods of Removing and Utilizing the Sewage of large Towns? *

MR. CHRISTOPHER RAWSON read a paper on the "A B C Process of Utilizing Sewage." The name of the process has been derived from the initials of the chief ingredients used, namely, Alumina, Blood, Clay, and Charcoal. After giving an outline of the various ingredients employed, the paper referred to the mechanical part which consists in thoroughly incorporating, in a suitable mill, by grinding with water, the clay, sulphate of alumina, and charcoal. This mixture is then transferred into a pit, in which is a stirring apparatus, that keeps the mixture in constant agitation. The blood is added to this, which forms what is termed the "A B C" mixture. This, when well incorporated, is lifted by pumps or buckets into a mixing pit, through which the sewage is flowing. The "A B C" and the sewage are here gently mixed together by means of an agitator, a certain definite time being allowed for their mutual action. The treated sewage is then allowed to flow into a settling tank. There it remains from four to six hours. During this period the precipitated matter accumulates, at the bottom of the tanks, as a fine mud. The water over this, if the process has been properly carried out, will be clear, tasteless, inodorous, and by chemical analysis fit to pass into any stream. This water is what is termed the effluent. Its purity depends entirely upon the care which has been devoted to the treatment of the sewage by the "A B C," the strength, proportions, &c., of which must be adapted to the requirements of the sewage. So soon as the water has been drawn or let off from the surface of the mud, the latter is pumped into tanks, where it is allowed to settle. A further quantity of water is thus withdrawn, so as to leave the mud as free from that liquid as possible. Sulphuric acid in small quantities is then added to the mud, for the purpose of decomposing insoluble phosphates, and of fixing as sulphate, any free ammonia, to prevent the loss of the latter in the drying process and in all future exposure to the atmosphere. The mud is then transferred to the drying sheds. At present floors heated by steam are chiefly being used, although other arrange-

* See *Transactions*, 1869, p. 488; 1870, p. 374.

ments are in progress. After being dried it is removed from the sheds, screened and stored ready to be packed in bags for the farmer's use. The manure has been submitted to two tests—that of chemical analysis, and that of actual use by the agriculturists. From the former it meets with little favour, while the latter give unqualified approbation of it. In almost every case farmers who have made a trial of it in small quantities have eagerly sought for larger supplies. An important consideration connected with the "A B C" process is the comparative cheapness at which the works can be erected. Heavy expenses must naturally be incurred in preparing land for irrigation. It is successful in a commercial point of view, and pays. Even in the South of England, where coals and chemicals are far more expensive than in the north, the Native Guano costs the concern only 30*s.* to 35*s.* per ton, leaving a clear profit of 2*l.* per ton. The authorities of Leeds resolved some months ago to make an experimental trial of the "A B C" process. Their works are hardly yet completed, and certainly not yet in such neat condition as we hope shortly to see them, still they will afford an opportunity of seeing the process in actual operation. The works are situated at Knostrop, to the south-east of the town, and adjacent to the river Aire. On the left of the entrance is a chimney ninety feet high, which takes the products of combustion of two boilers having a nominal power of thirty horses each, and also the steam and gases from four drying-sheds. Each of these sheds has an area of about 1000 square feet; they are heated by steam, which passes below iron floors, the mud being placed on these in a thick liquid state. Over the surface of these floors a current of hot air is drawn from the boiler-flues, escaping at the further end of each shed by flues leading to the chimney. It will hence be seen that the principle of drying involves the double mode of applying heat both above and below the mud. For the purpose of increasing this upper drying, a cover is placed at a small height above the mud, removable when it is dry, and replaced when fresh mud has been spread on the floor. The effect of the cover is to increase the draught, and at the same time it prevents waste of heat. The remainder of the arrangements in regard to machinery, "A B C" pits, and the agitating or centre pit, &c., are precisely similar to the general plans already described. The settling-tank, which is at the south-east of the works, has a length of 170 feet, is 24 feet in width, and about 12 feet in depth. The "A B C" process is pre-eminently suited for treating and utilizing the sewage of large towns. The effluent water can be made clear, inodorous, and almost chemically pure; the process can be carried on free from nuisance, and the profits are large and certain. It is likewise a farmer's question, as by the production of a natural manure, at so cheap a cost, the more costly artificial manures will be reduced in price; while the addition to the wealth of the kingdom would be almost incalculable, by the application to the soil, of millions in value, of the richest manurial treasure, now cast recklessly into the

sea, and entirely lost to the country. Towns are equally interested, as they might convert to a profit that which is now a nuisance and a source of expense.

A paper by Dr. ROBERT ELLIOTT, of Carlisle, on the question, was read. He said, to leave the dirt of towns to accumulate and putrefy was to produce disease and death in a thousand forms; whereas, to remove this constant cause of destitution and disease in towns from its place of production to the open country was to exchange an injury for an advantage. The gain of removal was probably understated by calculating it at ten shillings a year for every human being, or 5000*l.* a year for every ten thousand people. This was a small sum —perhaps not one-tenth of that thrown away worse than uselessly on preventible diseases and premature death. To avoid the evils arising from filtration and precipitation, it has been urged to adopt a plan known as the dry-earth or earth-closet system, which, although applicable to the country, was not suitable for our large towns. The only practical system apparently seemed to be an elaboration and extension of the plan of Mr. Alexander McDougall, of Penrith, which had been in operation for upwards of twelve years at Carlisle. The mode suggested for simultaneously upholding the purity of towns' atmosphere and of the waters of our rivers, and of saving and profitably using the refuse in question, was stated as follows :— That the sewage should be removed by underground drainage, and that there should be a daily supply of water at the rate of say thirty gallons for each member of the population, leading to underground tanks, suitable in capacity and number, arranged at equal distances from each other, and forming a circle outside the town, each tank supplied with ventilation into the furnace chimney of a suitable steam-engine, the double use of which should be to work a revolving washer within the connected tank, and to project the well-mixed and deodorised sewage to its next destination through mains, either at once to the neighbouring fields, or onwards to other tanks and steam-engines similarly arranged at points still further away, wherever such fertiliser may be needed. Such tanks, even in some instances without steam-engines, might be placed on natural or artificial eminences, from which, as in the working of the water supply, the contents might be distributed by gravitation through service pipes and their accompanying arrangement of taps to wherever the sewage might be wanted.

Mr. W. T. MCGOWEN, of Bradford, followed with a paper, in which he confined his observations chiefly to towns having large populations, where the sewage is laden with manufacturing refuse, where the neighbouring localities are studded with superior dwellings, where suitable land is dear or comparatively inaccessible, and to the legal and other impediments in the way of enforcing sewage irrigation upon them. Having considered what is meant by irrigation, the writer proceeds to discuss its application to large counties of manufacturing industry, drawing comparisons between its adapta-

tion to small towns, the quality and quantity of the sewage, and the geographical and local facilities for its conveyance and removal, and the mechanical appliances for its distribution. Having illustrated all the obstacles to be encountered in dealing with the question, the difficulties that the River Commissioners have had to contend with in laying down rules for the purification of refuse waters on the spot, the embarrassments of the Legislature, and the failure of experiments without coming to any satisfactory solution of the subject, the writer came to the conclusion that although sewage irrigation may be resorted to advantageously in the case of small towns where circumstances admit of the proceeding being successfully and inoffensively carried out, there are sound reasons for holding the system to be impracticable for large manufacturing towns if they are to undertake the whole operation themselves; and that if the sewage of these places is to be applied to the purposes of irrigation, it can only be done in some such way as has been suggested—by the government making main outfaces to sea sands with a view to their reclamation; and that, meantime, the local authorities would have to direct their attention to the best means of purifying the sewage in the vicinity of the stream to which the water belongs, by mechanical or chemical means, or by both.

Mr. Robert Symington also read a paper on the question descriptive of the method of dealing with sewage proposed by Mr. Strang, of Glasgow. This method differs essentially from any of those which have as yet been brought before the public. It is based on the broad general ground that no excremental or other polluting matter should be allowed to enter the sewers at all. That every kind of impurity, whether coming from dwelling-houses or public works, should be arrested and dealt with separately at its source. It is contended that when the miscellaneous filth of a town has once passed into sewers, having direct connection with the houses, it is impossible to prevent it from becoming injurious to health. Irrigation and all the other schemes which use common sewers as the means of conveyance, cure only one-half the evil; they may purify the rivers, but it has not been shown that any of them will prevent the formation and escape of sewer gases. As to the so-called dry closet systems, the very partial character of their operation, together with the trouble and expense attending their management, render them inefficient and unsuited to large towns. The method proposed by Mr. Strang provides a practicable means of dealing with all the noxious elements of sewage without sewers. It is suited to the existing water-closet system, and would be the means of extending that system on a simple plan to poor and crowded localities, replacing the offensive and unhealthy arrangements common in such parts; and it secures all the valuable ingredients of the sewage in a concentrated form for agricultural purposes. Taking as an example of the working of this method, the mode in which it proposes to deal with the most hurtful portion of the sewage, namely, the excreta of a large population,

this would be intercepted as it comes from the soil-pipe of each house or block of houses, by the patent sewage filter, which forms the essential and distinguishing feature of the scheme. This filter is so constructed that the urine and solid parts are entirely retained, and the water allowed to flow off free from all contaminating matter. The filter consists of a cast-iron box, divided horizontally into two compartments by a perforated bottom or grating. In the upper portion of the box above the grating is placed a bed of common ashes, which forms the filtering medium. The whole discharge from the soil-pipe enters the lower division, where the urine and solids are retained, while the water passes upwards through the filter, and flows off into the drain in a perfectly innocuous state. The contents of the lower part of the box may be disposed of in one or other of two ways. By providing a movable covered ash-box to stand under the filter, the house ashes and other kitchen refuse could be deposited there, and when it had received the contents of the filter the whole could be easily removed by the scavenger, thus doing away with the ordinary ash-pits, dust-bins, &c., or the filter could be emptied into a close cart, and the contents removed in their natural state, as is being done by the cleansing department of the City of Glasgow at present. As regards the efficiency of this apparatus, it has been examined and approved of by many scientific and practical men. The extreme simplicity of this apparatus renders it capable of universal application. It is suited to public institutions, such as barracks and workhouses, to public works, dwelling-houses, urinals, &c., and it is obvious that if so applied the conditions of a perfect scheme of sewerage would be complied with, for the polluting matters would never be allowed to come in contact with the soil at all, so that the poisoning of wells, the fouling of sewers, and the pollution of rivers would all be prevented, and there would be no waste of the valuable substances contained in the sewage.

DISCUSSION.

Dr. F. J. Mouat (London), speaking from experience derived in the East, said the first question to be determined was, how to remove and get rid of sewage in the manner most consistent with the maintenance of the public health, and when that had been decided it would be time to hand the question over to the engineer and the agriculturist. The problem came before him when he had charge of Indian prisons, with a death-rate of 80 per 1000, produced by excrementitious matter, and he tried every method of removal, and some with considerable success, without fairly dealing with the question as one of health. The first paper read objected to the direct application of human and other excrement, to the soil; but it so happened that, in the oldest and most minute, if not the most scientific system of agriculture in the world, that of China, it was applied directly to the soil as fresh as it could be obtained; and the Chinese farmer would not contract to take it unless he had it when it was quite fresh. Though there was something offensive in the removal itself, half-an-hour after its application no bad odour could be detected. The method which he ultimately adopted was that of the Rev. Mr. Moule, and he carried it out successfully; and in the first year the death-rate was reduced to 45 per 1000. But the dry-earth system, like a water system

might be the means of preserving and disseminating the germs of cholera which could be destroyed only by fire.

Mr. W. H. Michael (London) was certain that a gentleman who said a sewage farm was a bog, and that irrigation was detrimental to health, could never have visited a well-conducted sewage farm. The Edinburgh meadows were not a sewage farm; they were managed in total contrariety to the very first principles of the proper sewage irrigation farm. The solid constituents of manure which one gentleman proposed to remove and economize, were the worthless part of it, and the first thing in dealing with irrigation was to separate the whole of the solid constituents. The admirable method adopted by Mr. Baldwin Latham, in his new machine, made this successful. Any process that tended only to separate the solid constituents of sewage must be put aside as utterly worthless. The value of the manure lay in the fluid portion, the soap-suds, slops, and the urine, and the dry-earth system failed in this, that it took up the solid part which we should be delighted to get rid of. What would the advocates of the dry-earth system do with the fluid contents of the sewers? He did not advocate any system; but having been engaged for many years in watching irrigation, he thought it did promise not only to remove any source of nuisance, but to be extremely beneficial in producing food—because to talk only of rye-grass being produced was an absurdity. So far as he could see at that time, irrigation was the only process that answered the necessary condition of removing the whole excreta at once, and it could be applied to land without creating the slightest nuisance even to persons living in the immediate vicinity. There was no cause of disease which had been shown to have arisen from sewage irrigation, and the latest experience showed that on sewage irrigation farms so large a proportion as 10 per cent. could be returned for the money invested by local authorities in the creation of that which relieved them entirely from nuisance, and which must prove a benefit in every sense to the ratepayers.

Mr. Conyer Morrell (Manchester) said that they were told they ought to carry away refuse matter by means of water, but water was in most towns difficult to secure. A large proportion of the refuse was ashes, and in his system he made use of small ashes as a deodoriser of excrement. He maintained that every portion of house refuse should be dealt with at its original source. If he were given the value of the water that would otherwise be used, and the present cost of removing ashes, he would fix closets in a town, and remove the refuse for nothing.

Mr. Robert Rawlinson, C.B., C.E. (London), said there were several things which had to be done to secure the health of modern communities, and the first of these was to drain the subsoil, neglect of which involved dampness, and a high rate of mortality. If sewers were laid at a proper inclination there was no cost of conveyance—water found its own level, and would travel as far as we liked to carry conduits. Refuse was now carried away by means of water, and we were told that the drains corrupt the atmosphere of our houses. If that were the case it was unnecessarily so. No drain ought to communicate with any house, but it ought to be cut off by a ventilating shaft. If dried earth disinfects immediately, water stops putrefaction for a time sufficient to let matter flow beyond the precincts of a town. If we had the earth closet we must have separate intervention at least once a week, but to be it perfectly clean we ought to have intervention daily. If we had dry-earth closets, demanding intervention once a day, would the servants of the present day take the trouble of keeping the pans sweet and clean? If interventions were daily, we must have 365 manipulations in the year; and if weekly, fifty-two. We were told that the value of the manure would be 12*s.* per head of the population. Would any one accept the sum for the trouble involved in fifty-two manipulations in the year? The dry-earth closet might do for detached dwellings, and for large establishments, such as jails, where there was full control over the inmates, and managers could pay the cost of manipulation and attendance. At some of the Indian stations they have abandoned the separate earth-box of each individual, and have adopted a general one, and appointed a paid agent to carry away the excreta. He had visited many of our public buildings where the governors had thought proper to take out the water-closets and substitute earth-closets; but the only reason, so far as he could ascertain, for this was that water-closets gave a great deal of

trouble, and needed constant repairs. In lieu, therefore, of water-closets, they had substituted what required unceasing work, because the boxes were taken out daily, and in one of our great lunatic asylums it required three men to remove these boxes. If they had condescended to take a little more care of the water-closets, he was satisfied that they could have worked them with one-twentieth part of the trouble and cost of earth-closets. However, that was not the question. We must remove the excreta either in a dry or in a wet state. If we removed it in the dry state, it must be done by mechanical agency; if in the wet state, it removed itself, provided proper drains, at a proper inclination, were constructed. If the site of a town were so low that no outlet could be found, then steam power would do what was wanted in the cheapest form without human agency in each dwelling. Sewage might be applied to land with perfect success, without nuisance, and probably with profit. The conclusion to which he had come was that no human means, so far as we know of, dealing with town sewage by chemicals, does more than remove one-eighth of the salts from the effluent water; and that the brightest clarified sewage water was in the best possible condition for being put on the land for irrigation. Mr. Blackburn, who had a sewage farm at Aldershot, would find one acre of ground for any patent manure manufacturers, and he would give them his sewage to manipulate—it was the richest that could be got, there being sixteen instead of eight grains of ammonia to the gallon—if the water was returned to him when they had done with it. If manufacturers by the "A B C" process could make the manure worth 3*l*. or 4*l*., or any higher amount per ton, they would do what all the chemists he had been in contact with told him was impossible to be done. However, these gentlemen said they got that price for it, and there he must leave the matter. For such counties as York and Lancaster the question was a very important one, because they might expect legislation on the subject.

Dr. Macmillan (Hull), looking at the peculiarities of that town, low in situation, with intermittent drainage, and surrounded by a clay soil, thought it might require a combination of systems, and suggested that effluent water might be distributed in the town itself for trade purposes.

Mr. R. Craven (Southport) was convinced that the most healthy way of conveying excrement was by water in enclosed sewers. But this did not prevent the formation of gases injurious to health, and therefore it was necessary to use chemical agents either to prevent decomposition, or to destroy the injurious gases produced. To show the value of water for carriage he mentioned that in Southport there were cesspools constructed with the idea of intercepting the solids; but on examining that of a convalescent hospital with 220 beds, which had been in use seven years, it was found that there was not a quarter of an inch of sediment at the bottom, showing that the excrement was carried away in suspension. But if it were possible, not only that cholera germs might be propagated, but that even the ova of tape-worms might be carried to fields to infect cattle, the matter was one demanding consideration.

Mr. Rawlinson said that at Edinburgh thousands of cows were fed upon sewage grass, and medical officers had carefully examined their hospital books for sixteen years back to ascertain whether there had been any excess of that form of disease, and they had failed to discover that there had been any excess.

Mr. P. Ovenden (Secretary and Engineer to the Native Guano Company), in vindication of the effluent water of the "A B C" process against the opinions of chemists, as cited by Mr. Rawlinson, that the "A B C" process did not appear to exert appreciable influence on ammonia, remarked that the latter was a constituent which was almost entirely removed by soaking through the soil supporting vegetation. If it were true that the "A B C" effluent was better for irrigation purposes than simple sewage, that proved that sewage required treatment, and that the product of the "A B C" process was something saved from waste.

Mr. Edwin Chadwick, C.B., maintained that the cheapest mode of removal was by water, which arrested decomposition, and carried the sewage away most completely. In England we had a good test of the water-closet system, as water-closets were brought into the prison cells. As a rule, no class of persons have so high a degree of health as prisoners. The death-rate was reduced to about three or four per 1000. It was lamentable at this time that the distinction should not be understood

between a self-cleansing sewer, and one which allows the deposit to accumulate. And there was a further distinction between sewage fresh and sewage putrid. Nothing could be more important than that distinction. If anybody going to a water-closet perceives a foul smell he may be satisfied that the sewage is bad. Visiting the Aldershot farm he discovered from the smell that the sewage was bad, and that the camp had been ill-drained. Decomposition began ordinarily in three or four days, and if they attended properly to sewage they would get rid of it in a day. Excreta ought to be in the field, not in mechanical suspension, but in chemical combination. If Dr. Mouat's prisons had been properly drained, though he had reduced the death-rate by a half, he might have reduced it further. He regretted that in Leeds for forty years this matter had remained as it is, with such a death-rate. When he examined the question he found that a loss of about 30,000*l.* a year was caused to the town from loss of labour by sickness; and from premature debility not less than 300,000*l.* a year was lost to the population. That was the cost of ignorance of sanitary science.

Dr. Baylis (Medical Officer of Health for Birkenhead) laid down as a principle that the excreta of man, the refuse of houses, and the sweepings of streets ought to be conveyed from the habitations of men, and from under their noses, as quickly as possible. As to the mode of getting rid of excrement, only one plan had been successful in Birkenhead, and that was its removal by water. He had summoned people for refusing to convert privies into water-closets; they had pleaded that they preferred earth-closets; they were told they would still be liable for any nuisance they might create, and in no instance had anything but water-closets been adopted. The occupants of the better class of houses would have nothing else. Without them we must have sewers, and therefore we might as well use them. It was impossible to empty ash-pits, even if excreta were excluded, without some offence.

Mr. Howard, M.P., said Mr. Michael and Mr. Rawlinson had amply and ably expressed the views he entertained, and he simply wished to corroborate what they had said as to the perfect success of the utilization of sewage by irrigation. Bedford had been completely sewered, and the sewage was thoroughly utilized; he had visited the fields at all seasons of the year, and on no occasion had he perceived anything offensive. He attributed that to the fact that the solid portions of the sewage were screened, although he did not think they were screened so well as they were by Mr. Baldwin Latham at Croydon. Screening was a very important matter as affecting health, because effluvia did not arise so much from the liquid as from the solid portion lodging in the open courses and putrifying. The Bedford experiment was a success both in a financial and a sanitary point of view; the death-rate had been materially diminished since the town was drained and the sewage utilized, and no complaint had been made of its producing a nuisance. There could be no doubt that water was the cheapest carrier, and where you had to deal with large bodies of people, as in Leeds, all your appliances must be self-acting and not dependent upon servants.

Mr. Councillor Marsden (Leeds) believed that all difficulty would be avoided by keeping the component parts of sewage separate, and deplored that in that town, through the mixing up of all kinds of refuse, there were wasted yearly 10,000 tons of cinders and coals which could be sold at 5*s.* a ton, besides hundreds of tons of other refuse which would be useful if not mixed with ashes. The excreta and liquid were worth 10,000*l.*; it cost 9000*l.* to remove them; and all the town received for everything it could sell was 4000*l.*, and on that there was a loss of 5000*l.* [Mr. E. Chadwick said that in France and Belgium and elsewhere on the Continent, the system of separation had been tried, and it had universally failed. The death-rates approached the death-rate of Leeds, when they might have been reduced by one-third.] Mr. Marsden said the system was in work successfully in New York.

Mr. P. H. Holland (London) said the only feasible plan was that of removal by water-carriage. A large portion of the filth of a town was inevitably mixed with a large quantity of water; we could economically separate the two; we must get rid of the dirty water: it required but little additional expense to make it carry away all filth, and it was much cheaper to carry off all filth by one plan, than to carry a large portion by one and a small portion by another. In many

places, though not in all, irrigation was the most feasible plan, and in nearly all there were difficulties in applying it which involved expense. He had a sample of the "A B C" guano analyzed by a chemist who said that 7*s.* a ton was too much for it. He had known earth-closets managed so well that they were not a nuisance; and the objection to them was, not that they could not be managed without being a nuisance, but that in nearly every case they were a nuisance because they were not properly attended to. In conclusion, he contended that the legal right to carry drainage through land without paying compensation, except for damage done, ought to be extended to irrigation works.

Mr. Councillor MATHERS (Leeds) said that water-carriage had been more recommended than any other system, but the time had not arrived yet when any gentleman could take upon himself to say that this or that was the best scheme, because the position of towns would determine the system to be applied. The "A B C" Company certainly dealt with the sewage better than any other system that had been made known to the Town Council of Leeds, and the manure was reported to have turned out well in the hands of several farmers.

Mr. A. LEIGHTON: Admitting that water-carriage was the cheapest, and accepting the statements made, on the one hand, as to the commercial value of the "A B C" manure, and, on the other, as to the quality of the effluent, he would suggest a combination of the "A B C" system with irrigation, and the "A B C" system for places where irrigation was impracticable.

Dr. A. RENZY (Commissioner in the Punjaub) said that the dry-earth system had been largely employed in the gaols of India, and the excreta used as manure within 200 or 300 yards of the gaols, without any injurious consequences arising. If the experience of the Punjaub could be applied to this country, it was clear that sewage could be made use of at a short distance from the towns where it was produced. The fœtid matter, mixed with earth, was applied in the solid form, and the land was afterwards deluged with water. Although favourably disposed towards the earth system in India, and applying it with success to solid excreta, they were unable to apply it to the deodorization of liquid: the cost of carrying earth for the purpose, even there, where labour was cheap, was too great; hence, the liquid manure was carried out of the gaols in vessels by the convicts and poured upon the land. The inference he drew from his own experience was, that since towns must have drains, they may as well use them for carrying away a small amount of solid. Although in India, sewage-grown produce was used in the gaols, parasite diseases did not exist in them.

Mr. WATERHOUSE, M.P. (one of the Visiting Justices of the West Riding House of Correction), said that both solids and liquids were there mixed with dry earth, and used in the garden within the precincts of the prison, and the products were consumed in the prisons, and no evil effects had followed.

Mr. W. HOPE (Paraloes, Barking) wished to correct the impression that sewage could not be utilized all the year round. He used that of the town of Rumford, in hard frost and in summer all the same. He took all; he was bound to do so by his contract; he paid the town 600*l.* a year; he was bound through the Court of Chancery to hold it harmless, and he had no difficulty in doing it. There were two kinds of irrigation, through the land and over it. Surface irrigation was used on a large farm at Croydon, the sewage passed over a breadth of land, was caught by a "catch-water" ditch, which gave the name to the system, redistributed over another breadth, and caught again; but this plan gave no security for the purification of the sewage. Tested in winter it was found that out of seven parts of ammonia in the original sewage, five passed over without being absorbed. On his own farm not a drop of sewage could escape from the surface; all must go through five or six feet of soil into the subsoil drains. As regarded ammonia the effluent water was the same in winter and summer. He had proved conclusively the success of irrigation by downward filtration. In order fully to utilize the sewage he should like an acre to every twenty persons. He had recommended Birmingham, instead of purchasing 5000 or 6000 acres of land, to buy only sufficient to purify the sewage, in the first instance; to have part of their small area let out as a model farm, and gradually to educate the surrounding farmers until they were tempted to take the surplus. He said he could not conceive how the necessity of under-draining could be a moot point, because under-

drainage was the great discovery of this century in agriculture, and no farmer who knew his business would pay a high rent for land which had not been under-drained. [A GENTLEMAN stated that the under-drainage at Croydon had been taken up to meet the altered conditions of sewage farming.] That might have been done, but it was not necessary, it might have been necessary rather to put the drains deeper. As to entozoa, it was quite clear that, if danger existed at all, it was enormous; but ova, in their voyage by water to a farm, must make many thousand revolutions, enough to addle the egg of a goose, as he had proved, and in order to their development, they must have moisture and a minimum temperature, so that variations of temperature and final exposure to atmosphere must surely kill them. It might be different on a farm which was not under-drained, and which was allowed to become a pestilential swamp, but on a well-managed farm the sewage was never more than half or a quarter of an inch thick on the surface, and even if ova were in contact with the stumps of grass, it was difficult to cut that shorter than two inches. He had an ox bred from sewage-fed parents, fed exclusively on sewage-grown produce at Rumford for twenty-two months, and on dissection it proved to be quite healthy. He attributed that, not so much to the food, as to the water the ox drank, for it was kept from the horse pond, which was the great source of parasitic diseases. There was one thing chemistry could not do, and that was to take out of sewage a solution of ammonia so attenuated that it amounted sometimes to only five or eight parts in 100,000; and the Royal Agricultural Society of England having analysed the "A B C" manure, found that its proportions of ammonia were one, one and a half, and two and a half, instead of four and a half, and its proportions of phosphates about two instead of nine.

Mr. CROFT (Huddersfield), said whatever system were adopted for excreta, there would still remain a large quantity of refuse to be dealt with, and the accumulation of which was a great evil in towns. The reduction of the ash-pit nuisance ought at once to be undertaken by local authorities. The importance of daily removal, practised on the continent, was forced on our attention by increasing mortality from zymotic diseases.

Mr. WEBSTER, Q.C., F.R.S., held that there could be no question that the removal of sewage by the water system was the best and most economical; but there were, no doubt, places, such as Birmingham and Leeds, where the irrigation system involved enormous difficulties as to the extent and distance of land, and therefore such places must consider whether there was any other practical mode of dealing with sewage. The irrigation system succeeded most completely, but surely some chemical system might be found. As a matter of pure science he thought it discreditable that some means could not be found of restoring what had been put into sewage in a fluid state. Surely it could be ascertained, as a matter of fact, whether the "A B C" manure was worth the price it was said to fetch, and whether the "A B C" effluent was as valuable as opponents of the system had declared it to be. At all events, until these matters were authoritatively settled, it behoved all to avoid the expression of extreme opinions.

The PRESIDENT (Mr. GODWIN) wished, in the interest of the community at large, to urge that irrigation should be employed extensively, and in all places where it could possibly be adopted; and he asserted, moreover, that he had the strongest ground for doing so. What was the use of a Royal Commission, of the labours of the British Association, and of the Rivers Pollution Commission, all coming to a conclusion in favour of irrigation in most cases, if they, who could not possibly go into the subject minutely to the same extent, were not to attend to the recommendations made? He maintained that the evidence from farms, from Mr. Blackburn's farm at Aldershot, of which he knew something, and a number of others, as at Croydon, and Mr. Hope's valuable farm at Rumford, ought to induce them to say that irrigation was the best means to employ. With regard to the "A B C" process he was very anxious, knowing that it was a great interest, not to say anything unfair; but really he was compelled to say that these gentlemen said more than they could possibly prove. They said they got 3*l.* 10*s.* per ton for the manure. But would they prove that it was worth 3*l.* 10*s.* per ton? Such chemists as he had spoken to said it was not worth that. The expensive process which was gone through could not possibly produce a manure at such a price as

that manure was worth. It was all very well to say that they had sold so many thousand tons, but they had not yet proved the value of it, or that the farmers would continue its use. Then, with regard to this effluent water, which they said they were quite willing the irrigators should have. That did not answer the question at all. Was it true that this effluent water was sufficiently purified? He, however, feared to pursue the subject, seeing that the process was now a great commercial speculation, but nothing that the "A B C" advocates had said or done had affected his mind on the subject of irrigation. We had, then, seen that we must get rid of sewage immediately, that water was the readiest means of transporting it, and that when properly disposed of on land it really did no damage whatever to surrounding persons—there was China, for example, a country that had had irrigation generally at work for 1000 years, and a great deal longer period by their own records—and all the evidence was, he thought, in favour of irrigation. He hoped that the people of Leeds would look into it. They must no longer delay, with a thousand middens—the death-rate told them of the work that had to be done—and of the "A B C" process they must satisfy themselves either as to its goodness or its badness. If good, let them adopt it entirely; but if bad, then at once they must set to work to get rid of the sewage, and put it on the land around.

SANITARY IMPROVEMENT OF DWELLINGS.*

On Certain Important Points in the Sanitary Condition of Villages. By Dr. ACLAND, F.R.S., *Regius Professor of Medicine, Oxford.*

ONE peculiarity of the meetings of this Congress is to be found in the varied points of view from which the same object is presented to the mind; points of view sometimes so different that the central object can hardly be believed to be the same. You yesterday had a discussion on the disposal of sewage, on a gigantic scale, in great towns. I wish to draw your attention to what at first seems an insignificant point in the same subject; whether it is so, you will judge. For it I venture, with a purely practical object, to solicit the attention of the Section, and especially of those members who, as owners of land, have weight in country districts, or who, as leaders of public opinion, can influence masses of people.

In any well-ordered modern town the poor have the cleansing and scavenging of the surroundings of their homes done for them. In a village, or in an isolated cottage, the labourer, often ill-fed, always over-worked, either performs this duty himself or it is left undone. He has to do it before his day's work, after it, or by losing it. What this implies, if a man be not strong, those who know the people well can alone judge.

The effect of this one circumstance is more injurious than can be readily estimated. It need hardly be repeated that it is productive not seldom of the most injurious effects on the health of the family. The water is poisoned, fevers are originated, and permanent ill-health is often engendered through recurring bowel attacks. But the more serious matter is that a generally untidy and miserable state of the surroundings becomes the habit of the family. The children grow up with these associations, having no other home standard of decency. They have known and desire nothing else.

* See *Transactions*, 1866, p. 731.

This cause is sufficient to account for an observation made by Lord Kimberley, and confirmable by every one familiar with cottage population. He said, in a meeting of the Norfolk Chamber of Agriculture,* "We have given a very good cottage to a labourer, and we find that he does not appreciate it at all. He puts his apples into one room, does not inhabit another, and would put his pig into a third if we would let him."

Now it may seem almost trifling to dwell on so small and well recognised a point of sanitary mismanagement, yet the doctrine of "nothing stronger than the weakest part" holds good in this instance. If a rural population itself is indifferent to the state of the surroundings of its dwellings, it will be indifferent to much else. The old proverb, cleanliness is next to godliness, is probably true if "*next*" be interpreted as "parallel with." It is doubtful whether a wilfully or indifferently dirty household is even, in a genuine and vigorous sense, a godly one; and something must be done promptly in this matter if we are to second effectually the educational efforts which are engaging the whole nation.

The magnitude of the evil may not be apparent to all without explanation. In a village with which I am familiar, there was no covered or hidden accommodation in a long street by a river side. It seems all but incredible in the present day. A high road runs through this village, and many tourists pass daily. It is in a neighbourhood much looked after by a very benevolent landlord. The evil, however, was just outside his property. The poor people being powerless against their small landlords, became indifferent, with a certain touching sense of degradation. A mother lately said to me, "Worse for my poor children to be brought up so than for us older ones to be so: bad enough for us, worse luck."

There is something almost nauseous in perusing these subjects in detail; but it has to be done if we want to appreciate the evil and find the remedy. This happened to me lately. Sitting early in the morning in a cottage, I saw the housewife about to make some tea. To my surprise she poured the boiling water into a tea cup, and having carefully tasted it, she filled the teapot. "Didn't you scald yourself?" I said; "why did you do that?" "Oh!" she replied, "I did not know whether the child had filled the kettle before the cattle droppings had run into the stream, or after—I always like to taste and see."

A considerable farmer's wife, in a large farm having some 1000 sheep, had to look to the water, she said, on all rainy days, to see if it was fouled or no by the closet. If it was she sent "down the hill a long way" for the day's water supply. This was an old farm, therefore probably submitted to for several lifetimes.

I could tell many facts of this kind to show the extreme gravity of this matter in our rural districts, grave from its effects on the health of individuals—grave, more grave, from the effect on the moral nature by engendering indifference, and on the intellectual

* See Agriculture Commission, 1867, Second Report, p. 67.

powers of observation and reasoning, by breeding ignorance, blunting faculties, and keeping up false opinions on matters of every-day life.

We need not now consider the causes of such things in this age. We have nearly done with that kind of inquiry. It is useless to discuss any more the torpor of the last century, the opposition to physical science by the religious world, or the bygone national apathy as to preventive medicine. Those evils we hope are ended. We seek now practical remedies for the past, and reasonable prevention for the future.

Now the remedy seems to be this—that, ***mutatis mutandis***, the same sanitary care should be bestowed on a cottage in the country as on a house in a town.

In the case of a well-ordered town, the community provides water for its members and removes their refuse for them. Not so in a village. The chances are in many districts that every cottage or every other cottage has its well, and, there being of course no sewers, its own cesspool. The expense and the risk from want of organization are both multiplied. The results seem almost incredible. You walk into the country where all seems so pure and is so beautiful. You

> "Go up and watch a new born-rill
> Just issuing from its mossy bed,
> Streaking the heath-clad hill
> With a bright emerald thread."

Below you see some two or three cottages bosomed in the glen, and further down a hamlet, then a village, and next the town. Is there not some strange fatality by which the human tenants carelessly mar a spot, so free, so pure, so bright; and that the freshest and best placed habitations are allowed to pollute the stream, and make it unfit for all the rest? Yet we have all seen scores of such hamlets. God's gifts in profusion are astonishing; yet they are more astonishingly and most wastefully spoiled. And why? from simple ignorance of the mischief done, and risks incurred; from mere want of skilled superintendence by instructed persons, from the lack of a little systematic management.

It may be said that our scattered populations are not worth the care, or that, if worth the care, then the supervision would be too costly, so that the care of hamlets and villages is either impracticable or visionary. Issue may be joined on both these objections. The rural populations are becoming nurseries for town populations. They cast into the towns either a strong, decent, manly people, or an enfeebled, ignorant progeny, brought up unwisely.

Now the rural districts * contain no less than 9,803,811 persons, having increased in the last ten years by 668,428. They increase in great measure as is justly remarked by the Registrar-General in the last census † by assuming the form of small towns, and therefore by carrying their character and habits, good or bad, with them

* Total population, 22,704,108; 141 districts, 57 sub-districts, 12,900,297.
† Report on last Census, p. 21.

into those towns; electing as their administrative officers persons conformable thereto.

The immigration of the rural into the urban population is noticed on the Continent also, and is in fact a necessary law of modern civilization, depending on varying causes, some obvious, some more recondite.

The case of these villages is, therefore, apart from special humanity towards the individuals, truly a national question. It is of importance as regards the future of the persons, and of the class; and is of importance as regards the executive, who are to guide them for the future. It affects the towns as well as the villages, and abuts on national health-problems of the first importance.

As to the persons and the class enough has been said. As to the executive who are to guide them, the great measure of last session, which undertook to harmonize into one whole all existing powers bearing on the public health; and which has assigned to one Minister the duty of consolidating and improving the law wherever improvement and consolidation is needed, has virtually ended the question.

With respect to the purely rural districts, the great powers of the Public Health Acts at present reside with vestries and guardians. In many cases, therefore, they are indirectly in the hands of the very class of persons who require guidance and help. Herein lies a great part of the strength of the Local Government Board. It enlists in the cause of public health every ratepayer who votes on matters of parish organization, and engages all the medical men of the poor. Will they all act? will they apprehend their own material interests? We may not doubt that they will. What has to be done in these classes of difficult social questions must often, I am convinced, be done by the people with the aid, but not by the compulsion, of law.

It must be confessed that the future condition of the agricultural population is one of the great problems of our country. It is intimately linked with two of first-rate moment, namely, "the incidence of local taxation and the Land Question." Various witnesses before the "Commission on the Employment of Children, Young Persons, and Women in Agriculture" had evidently this on their minds when they spoke of the state of cottages as one of the questions of the day. Notwithstanding the earnest efforts of philanthropists and societies, whether in preparing designs of cottages, or for the erection of houses through profitable building societies, there is indeed much to be done by the Local Government Board in almost all the purely rural districts where there are no wealthy and large-minded proprietors.

Lord Derby seemed to speak with less than his usual caution as a statesman when, the other day, at Liverpool, he spoke with the appearance of contempt of small farmers. In some parts of England even now large farmers have been heard to question whether the small farmers, on certain lands, cannot get more out of it than large farmers; the man, that is, with his family—his

labourers being of his family—rather than the great agriculturist with his dependants.

Small farms, well managed, mean thrifty families, independent men, a very type of plain Englishmen. To neglect this class of our fellow subjects, to speak slightingly of the small hill-country farmers, in districts where site and climate are unfavourable to machinery, is to raise a prejudice against some of the most contented and laborious, the most upright and sturdy, of the British people. It is to throw discouragement on a race to be religiously preserved, rather than submerged in the uniformity of ambitious struggle for wealth: a class to be made to share with us, who lead more easy lives, whatever are the real improvements and blessings of modern culture; and all the more because, by their simpler ways, they set before us the charms of fresh and unspoiled natures.

Who is a more intelligent worker than a hill-country shepherd? Who more skilled at her proper work than an English or Scotch hill-country housewife? And who can furnish to the State children more robust, men more true, if only their sanitary surroundings can be bettered?

Reverting to the specific proposition from which I started, I observe that cottages in rural districts should be scavengered by the community, and not by the occupier. There are two ways in which this can be done. The one in villages where regular sewers and water supply can be provided and maintained, the other in isolated cottages, where, from the expense, these methods are practically inapplicable.

In Broad Clyst the former has been lately tried. An interesting account is given in the last number of the *Bath and West of England Journal*, with full particulars as to cost. In Stanton Harcourt, in Oxfordshire, the latter plan has been put in operation on the dry-earth system by Colonel Harcourt, the son and successor to the venerable and scientific Canon Harcourt, owner of Nuneham. An inspector paid by Colonel Harcourt goes weekly to the cottages on the estate to examine and report on the condition of the closets. The first of these methods cannot pay interest on the outlay—and can only be done by persons who have capital at their command. It is carefully carried out by Baron Rothschild. Neither the parish nor the union can be called on to contribute to a purely local improvement, except on the principle by which a great landowner has to act, namely, that he must have good houses for those who till his land, the outlay being calculated as for the whole of his property. On the whole there is no doubt that an arrangement could be made in every rural district whereby the poor labourer may have the necessary surroundings of his home kept in order for him, like his fellow artizan in the town. That it would conduce to his healthiness, energy, and comfort, no one will dispute; and that it would be just and politic no statesman will question, and that the class of agricultural poor are worth the anxious care of the nation none will gainsay who believe in the existence of national health. Difference of opinion will probably arise only on the question—How

can village and cottage sanitary supervision be best brought about, by which executive—what is the least cost, and the least amount of interference with private and personal rights? This must form the subject of a further communication.

What are the best Means of Securing the Sanitary Improvement of Human Habitations? By P. H. HOLLAND.

FEW will dispute that it is as wrong to let a dwelling that is unfit for healthy habitation as to sell food that is unwholesome, or that those who commit either of these offences recklessly are very culpable, and that those who do so knowingly ought to be severely punished, for wilfully exposing others to needless danger. It does not, however, follow that every house that has any sanitary defect must be forthwith left untenanted. The case is closely analogous to that of doubtful food. If a law were enforced that no food except that in perfectly good condition could be sold, much that may be eaten, and is eaten with no proved injury, would be condemned, and many now well fed would go short. All that can be reasonably required from a dealer in food is not to sell any so bad as to be unwholesome, and the precise point, for example, at which meat which is gamey passes into that which is putrid is hard to fix. So also with dwellings; we all know that a house which is close, or damp, or dark, or foul, is unfit to live in, but what degree of space, dryness, light, and purity it is right to insist upon as indispensable are questions needing considerate inquiry. This, however, we do know, that a very large proportion of the dwellings in large towns are fatally defective, as is proved by the higher death-rate at all ages amongst the inmates of such houses than amongst others of the same class, living in the same town, with the same climate, with similar employments, similar earnings, and a similar command over the comforts of life.

It is constantly said, and it is often true, that those who live under these wretched conditions do so because they prefer to spend their money in drink for themselves, rather than in rent for better accommodation for their families, and they are unhealthy because they are intemperate. That, however, would be only a very partial and imperfect explanation of the great excess of mortality, especially of infantile mortality, which is often double the average; moreover, drunkenness, and especially dram-drinking, the most destructive form of intemperance, is the effect as much as, often more than, the cause of that depression it temporarily relieved, but permanently aggravates. It is to a large extent caused by living in polluted air and in darkness, dirt, and gloom. To diminish those causes of depression would be to diminish both craving and the excuse for dram-drinking, and it would cost far less to remove the cause of the craving for stimulants than to indulge it, even if to indulge did not increase it as it does.

An unhealthy house, however apparently cheap, is really dear. There is no doubt amongst those conversant with the economy of the poor, that such a house, however low rented, is a costly piece

of extravagance. No fair difference of rent between that for a house fit and one unfit for healthy occupation will pay for more than a very small part of the loss the ill-health it causes entails; for wherever there is excess of fatal disease, there must also be, though not always in the same proportion, excess of disease not fatal, interrupting productive employment, diminishing strength and power of attention, and therefore skill, thereby lessening earnings to a far greater extent than the difference of rent, by paying which these losses might be avoided. Sickness of women and of children, and even of infants, though it may not directly reduce earnings, does so indirectly and always causes expense. It also diminishes the comfort of all the household, causes loss and costs as well as suffering.

There are few not actual paupers who have not enough to buy some few comforts, in addition to the absolute necessaries of life; but so long as a large proportion of the poorer classes are housed as they are, they cannot procure that greatest of all comforts, a healthy, happy, and contented family, in a dwelling deserving the sacred name of home. How those, who cannot save, shall obtain dwellings that deserve that name is the difficulty, and a formidable one it is, but not, let us trust, insurmountable, for if it be, what hope for our country is there? How can we expect that he who lodges like a pig should live like a Christian. The difficulty is that some cannot and some will not pay the rent demanded for decent accommodation. They say they cannot afford it; but living in unhealthy houses is wasteful, not only of comfort, health, and life, but of money, and as it is just and wise not to allow unwholesome food, however low priced, to be sold, so would it be just and wise to forbid unwholesome houses to be inhabited. So long as such dwellings are allowed to be let in competition with others will the price of building land be run up, and the poor crowded together in dangerous proximity, so as to obtain the largest possible rent out of the smallest possible space, at the sacrifice of health, comfort, safety, and morality, forcing many to become a misery to themselves, and a danger, a burden, and an annoyance to the community, simply to permit the owners of certain building land to let it beyond its proper and natural value. That this is the effect is evident. If the excessive over-crowding of poor districts were effectually prevented, it is clear that towns must increase more in size and less in density, with the effect of diminishing the price of land in the town itself, and increasing it in the suburbs. The benefit of spreading the population over a larger space would not be unmixed, but it seems certain that the inconvenience of living further from work can be greatly diminished by increased facilities of communication.

It is essential, however, if the habitations of the poor are to be generally improved, that the competition of houses unfit to live in must be prevented, by forbidding the letting of such for habitation. This is no new principle of legislation In Manchester, Liverpool, and many other towns, and in all places under the Public

Health Act, cellar dwellings cannot be let except under stringent conditions. And if it be right, as no one doubts, to forbid the letting of a class of dwellings because it is scarcely possible that they can be healthy, it cannot be wrong to forbid those to be let which are decided by competent authority to be unfit for habitation.

Allowing that, the question follows—At whose cost ought dwellings unsafe as healthy habitations to be rendered safe?

At the first glance the answer to this question seems easy. It is evidently as wrong to let for habitation dwellings dangerous to health and life, as it is to sell food unsafe to eat. If the owners of food either procure that unfit to eat or allow it to become so, they must dispose of it in some way not dangerous to others, and are justly liable to punishment if they attempt to escape their loss by offering unwholesome food for sale. If the owners of dwellings which are unsafe to live in try to let them, why should they not be equally liable to punishment if they do so wilfully? why should they not be prevented doing in ignorance what endangers the health and life of others?

That they should be prevented doing what is well known to expose others to imminent hazard all will agree, but at whose cost the cause of the danger should be removed is disputed, and naturally so. When a dwelling is, or becomes, unsafe for habitation, in consequence of some defect of its own, for example because it is not properly drained, or because its drains are so misconstructed as to give passage into the dwelling of sewer gas, or because its rooms have no chimneys or other openings for ventilation, or because the roof or wall lets in water and do not keep in warmth, or because the inmates are dangerously numerous for the enclosed space, such faults and defects, should be removed at the cost of those who receive the rent, though very often such faults cause more expense in loss of rents than need be spent for their removal. Whether that be so or not, such faults that must endanger the health of the inmates ought not to be allowed to continue, even if the inmates themselves should not complain. No one has a right to expose even his own life to needless danger, still less can he innocently expose those of his wife, or children, or neighbours.

It often happens, however, that a house which would not be unhealthy in an open situation, has become so because it has been closely surrounded by other buildings which impede the circulation of air, and very generally by their appurtenances pollute the air they confine. In such cases it would be unjust to throw upon the owner of a house which has been rendered unhealthy by the subsequent erection of other buildings, the cost of rendering it healthy, to do which often involves the removal of buildings which obstruct the passage of air and light. Possibly, in strict justice, those who have erected the buildings obstructing ventilation should be compelled to remove them, but it is often difficult or even impossible to prove which precise building does the mischief to which many contribute, and which the removal of few, and those perhaps

not the last built, may most effectually diminish. For example, a small court may have long had only a narrow entry, with no evil apparent until the adjoining land was built upon. In such a case, the best course may be to take down the building over the entry and so obtain free passage for air. At whose cost should such an improvement be effected? Most justly at the joint cost of all whose property would be improved, but this would be so difficult to ascertain and estimate in just proportions, and the attempt to do so would add so greatly to the expense and other impediments to the improvement, that it is better to charge the cost of such improvements upon the general rate of the district, and to equalise the cost and the benefit to different parts of the district by effecting such improvements as equally as possible in different parts of the district.

Though the cost of such improvements may appear formidable, they are not really so heavy as they appear, for the ratepayers at large receive great countervailing advantages. Everything which renders a town more desirable as a place of residence raises the rent, or, what is the same thing, renders occupiers able and willing to pay higher rates, without requiring a diminution of rent. The inhabitants of low, neglected, and unhealthy spots, are apt, in every sense of the word, to belong to the dangerous classes. The disease engendered amongst them is not confined to them, the misery which makes them reckless and unruly makes them also unpleasant neighbours, and whenever danger to the public peace arises it is chiefly from such classes it is to be feared. Granting, as is nearly certain, that it wil be impossible to apportion exactly the charge which each must bear to the benefit each will receive, there can be no doubt that the community at large will be benefited by securing healthy and contented neighbours. Allowing we may have to give more than we may get, do we not often get far more than we give. Let us think of our duties as well as our rights. It is clearly our duty to see that the poor are not exposed to needless sickness, death, impoverishment, and debasement. In this as in all other cases, what is our duty is unquestionably our interest.

DISCUSSION.

Dr. STALLARD (London): If the principle be unsound that Government should pay for the improvement of dwellings, I see no reason that any other public fund should be drawn on for the purpose. All steps in that direction are unsound, and I object to the maintenance of private property of any description at the public expense. The experiment made at Liverpool has been a complete failure. At no time has Liverpool been in a more unhealthy state than during the last two years, and this is so, notwithstanding 200,000*l.* of public money has been expended in the improvement of private property. The law has already provided for the destruction of houses unfit for human habitation, and the law should be carried out. But there is another side of the question. It is all very well to have good houses, but the best house may be made unhealthy by the occupants; and on the other hand the worst house may be made wholesome by decent people. The instance quoted by Dr. Acland of action by a landlord, is an instance of a step in the right direction, but I should be hopeless if I had no one to look to but the

landlords to make the homes of the poor really what they should be. The principle we must go upon is to bring the influence of the intelligent to bear upon the ignorant. The cure for these evils is to be found in a great measure in the mixing of intelligent people with the ignorant, of clean people with dirty people. I do not see that because a man is poor he should be interfered with in his private house any more than one who is rich; and it could not be permitted that any man should be roused up at night to see whether he has two or three people in his bed-rooms. The official system, if carried out fully, would do a great deal more harm than good. Our object should rather be to generate a better public opinion; mix the intelligent with the ignorant; introduce house-to-house visitation. It is a question of pure social organization, and surely, if we can organize anything, there is no reason why such a visitation should not be organized.

Dr. Fergus (Glasgow): The Improvement Commissioners of Glasgow have been engaged of late in an endeavour to get the people to work in the centre of the town, and to live in the suburbs; but, by the enormous increase on the Clyde of iron ship building, the reverse of this has been the case—people have lived in the centre of the city and worked in the suburbs. We have a large admixture of the Celtic element, and wherever that is so you will have a large death-rate. They come from the west Highlands, and never think of learning the English language.

Mr. G. W. Hastings: I think Dr. Acland himself admits, at the conclusion of his paper, that with regard to the manner of carrying out these sanitary improvements there may be a difference of opinion, and it is just that difference of opinion which I am anxious to express. Who are to be the persons charged with the execution of this work in the rural districts? What I said yesterday upon this point was not based entirely on theory. I happen to live where I have painful evidence of the evils not only of the present system, but of what would be the result of the system which the Sanitary Commission and Sir C. Adderley's Bill would establish. I live about a mile and a half from Malvern, in a purely rural district. The town of Malvern is under a Board of Local Commissioners, and the rural district in which I live is under the Board of Guardians, who, so far as nuisances are concerned, are the health authority of the district, and have very important powers. Supposing we, the guardians, were invested with all the authority Sir C. Adderley's Bill proposes to give us, and supposing the medical officer of a union were made the officer of health for that district, we should find ourselves met at every step with difficulties, the chief of which would be the conflicting jurisdiction of the two authorities. For instance, here am I living on the boundary of these two sanitary districts. The boundary line of the Malvern Local Commissioners comes within a quarter of a mile of my gate, and within that boundary the authorities of my district can do nothing in sanitary matters, although they are guardians of the poor over the whole town of Malvern. To carry out sanitary improvement throughout the country under such conditions seems to me impracticable. The only authority capable of doing anything in sanitary matters with effect must be an authority having control over a large area, and not coming into conflict with other authorities at almost every door.

Mr. W. R. Smith: In Glasgow we have turned people out of their houses and insisted upon the strict rule of so many people for so many cubic feet of space; but we have been met by systematic opposition. As soon as the inspector makes his appearance the signal is given, and when he comes to a crowded quarter he finds only the proper number in the rooms. I would recommend instruction in sanitary matters in schools.

Mr. Charles Lamport (London): I maintain that architects should endeavour to carry out old Fuller's maxim, that a man should build his house to live in and not to look at. Architects at present do not attempt this; they seek to make a fine outside and leave the interior to hap-hazard. Generally speaking, the only ventilation provided for an ordinary sitting-room is an open fire-place, which is useless in summer time, because the impure air collects above the opening and never descends to it until the whole room is impure, or else the chimney is fitted with one of Dr. Arnott's ventilators which more often lets smoke into the room than carries impure air out, from the simple reason that the opening of the fire-place is larger than the opening of the ventilator and, therefore, the draught runs into the room instead of out of it. In theory good ventilation means change of air,

which is movement, and movement of air constitutes draught which is prejudicial; but if the draughts are warm without being impure they are not prejudicial. Any system to be efficient must provide for ingress and egress of pure and impure air when the fire is lighted or when it is not, when as in the winter the fire is the exhauster and takes the impure air to the fire-place, or when, as in summer, gas-light or the human breath makes the impure air collect in the upper part of the room. Thus all systems to be good must combine warmth and double action as well as diffusion and cheapness, and should be so constructed as not to be interfered with by the ignorant. The system which I have carried out combines these. On the top course of bricks round my sitting-room I ran a three-inch tile drain pipe and made an opening from it at every three feet into the cornice of the room which was open. This air passage I made to communicate with another which I caused to be built side by side with the chimney and carried to the top of the house. In summer the kitchen fire would heat the chimney-stack and cause the air in the air-shaft to be heated and rise. This would draw all impure air through the cornice of the room and thoroughly ventilate it from all parts. In winter the fire would be lighted, and the fire being the exhauster the impure air would run to the open chimney. This would draw air down the air-shaft, but as it would come down the chimney-stack it would become partly heated on the road and would enter the room through the cornice in all parts.

Mr. Rawlinson, C.E., C.B. (London): This question of the best form of human habitation may be regarded from a statesman's point of view, from a builder's point of view, or from a purely philanthropic point of view. Looking at the question as statesmen, we find that human habitations have been neglected from the very earliest dawnings of history. I know of no nation that has paid attention as it ought to do to the dwellings of the lower class population. I speak with a full knowledge of the habitations of this country, and also with some knowledge of the houses of the labouring classes upon the continent, in America, and in India. And the sum total of the story amounts to utter and gross neglect, which generates a mass of misery, crime, and disease, quite indescribable. There is no safety for any people, there is no security for any Government, until statesmen have worked out the problem how the evil is to be remedied. One of the great evils of the construction of dwellings in this country is, first of all, the utter disregard of appropriateness in matters of site and subsoil. After that comes material, and the mode of construction, and then the mode of management subsequently. Now, whether you are going to build cottages, villa residences, or palaces, the first necessity is to have a dry subsoil. If not naturally dry, the soil must be dried by the best means. The second necessity is that the area upon which the buildings are about to be erected must be isolated from the subsoil, and the cheapest and best means is to use concrete. The next thing is that there should be put in a damp-proof course to prevent the damp rising into the walls; then, if there is a basement story, it should be isolated from the ground; the earth should not come in contact with the walls. With regard to the arrangement of the rooms, Mr. Lamport has described briefly and admirably what means must be applied to give ventilation. I may first, however, say that domestic houses have two purposes to serve as we use them. They have the domestic purpose for the family—and, for the cottager, that is the entire purpose the house serves, as they have few visitors—and the more ornamental purpose. But there is the time when sickness comes, and people ought to be taught that they cannot live healthily within the four walls of their dwelling, whatever the arrangement may be, if they do not open their windows and admit air. Those who visit the dwellings of the poor should see to it that the windows of the bed-rooms are opened, and if they do not open, the landlord should be asked to make the requisite alterations. If the outside air be let in nature will do the rest; she will oxodize and purify. If there is a window on a staircase, and there is no other means to procure ventilation, I recommend that the window should be let down some three inches from the top, and screwed fast, so that none of the servants or any one else could ever close it by day or night. I know of cases where great benefit has been done by this simple expedient. Then as to closet arrangements. I once had to inspect Windsor Castle, and there one would imagine, if ever there was perfection to be found, it would exist where Her Majesty had to reside. In 1821, Parliament voted 500,000*l.* to fit

Windsor as a place of residence for George the Fourth. Up to the end of William the Fourth's reign, I found that 750,000*l.* had been expended upon the castle. After the Queen came to the Throne, in the year 1844, the state of the castle had become so bad, and was so offensive, that it was almost impossible to live in it; and it was found upon examination that there were no fewer than fifty-three cesspools within the basement, all of them full and overflowing. It took some years to remedy the evil, but it had been overcome, and now probably Windsor Castle was one of the healthiest places in the world.

Mr. Brierley (Blackburn): The work in this matter divides itself into two parts. One is to amend the sanitary condition of the dwellings, and the other is the public duty of informing the population, by every means at command, of the principles of science in sanitary matters. Local bodies are not always to blame. People well-to-do are often found living in houses of a wretched character, when they can get better houses for 6*d.* more a week. I advocate for the national health a central authority, that will not only look after the large centres of population, but will take cognizance of the whole country, from one end to the other. The want of sanitary knowledge is not confined to the poor.

Dr. Baylis (Birkenhead): The condition of the rural population requires considerable, if not equal, attention from the Legislature to that of the populations resident in towns. The crying evil is that no proper provision is made for dealing with that serious element for spreading disease, death, and sickness—the excrement. It is but a small thing to call upon the Legislature to see that this substance is disposed of in such a way as to promote the health of the inhabitants. No house should be built without proper provision for conveniences, receptacles for ashes, &c., and having a yard in the rear. At present we have houses built with cesspools positively under them, and with privies reared against the house in such a way that the walls of the dwelling-house becomes tainted by the soil. The Legislature, in all that it has done, has given the local bodies power to enforce proper measures, but they have made all the powers permissive instead of compulsory, and consequently they are never enforced. We must have an authority to enforce sanitary laws superior to the interest of landowners, builders, or cottage owners It is idle to say that an improved cottage would so add to its cost as to make it above the reach of the cottager.

Mr. Annesley C. C. De Renzy (Lahore): I have noticed a great many back-to-back buildings in Leeds. Some are even modern houses, for which a considerable rent is paid. Such a system is necessarily unwholesome, and in all probability it has a good deal to do with the reputation for unwholesomeness that Leeds has obtained. To such houses there can be no yards, but the great defect is the want of thorough ventilation.

Mr. George Wilson said that architects were to blame in a great measure for this badness in construction of the dwellings of the poor. There was a strong prejudice in the minds of the better class of persons against proper ventilation. Little progress is made in these matters just because people will not listen to the few persons who are able to give advice, and just because our Legislature is so occupied with party struggles that it cannot attend to the health and decency of the nation.

Mr. Councillor Gallsworthy: With regard to buildings, he said the Local Acts give Leeds sufficient power to see that proper accommodation is given. Improvements are being carried on in the town, and I know it is the intention of the Council to destroy the whole of the worst houses that exist. There is, however, a power to prevent required, as well as a power to destroy, and the Buildings Committee has thought it wise to get extended powers so as to prevent the erection of houses in any old courts. At the present time the town has not the power to prevent the erection of buildings in courts.

Mr. Rawlinson, C.E., C.B.: I have had the opportunity of holding an inquiry in Leeds, and of turning my attention to some of the sanitary defects here, and I have pointed out previously what, in my opinion, would be a remedy for one of those defects. It would not cost much. Leeds has already been sewered. There are sewers through the main streets, and some of the tributary streets also, although the system is not complete. But the sewers are not ventilated at this moment, and the houses are connected with these unventilated sewers, and that is one of the

elements causing the excessive mortality of Leeds; and I plead with the people of Leeds to make the openings up to the streets as they are made in London, to let the gases come up at as many points as possible, and let the atmosphere dilute the gases and render them innocuous. Some of the streets are paved, others in the suburbs are not paved at all, and streets in the heart of the town are in a bad state. If the town has not the money it should borrow; if it has not the power to borrow, then it should get power.

Mr. Fowler (Borough Surveyor of Leeds): Since Mr. Rawlinson had made his inspection of the Borough the sewers had been ventilated to a very great extent. In fact, the north-east district of the town, where the death-rate is the highest, is now ventilated by means of direct openings, and charcoal trays are used to disinfect. Ventilation is also effected by communication with the chimneys of manufactories. In the north and north-east wards the five miles of sewers there laid down have had nearly 100 ventilators put in. Leeds is paved as well as any town in England.

Mr. W. H. Michael (London) stated that there were 800 cellar dwellings in Leeds at the present time.

Mr. William Bennett (Liverpool) stated that Dr. Arnott's ventilator was ineffective only when it was used without Dr. Arnott's stove, which had a remarkably small throat.

Mr. Councillor Mosley said if the medical officers would explain the subject to the people they would do more good than the Legislature could do by compulsory laws.

Mr. Hope (Liverpool) reported a complaint made by some working men who were provided with only one water-closet to every five houses.

Mr. Richardson repeated a recommendation made by him last year, that the ashes should be riddled and mixed with the night soil in every household; the one would disinfect the other, and one organization would suffice for the removal of both.

Dr. Stewart (London): A great improvement would be produced by an extension of Torrens's Artizans and Labourers Dwellings Improvement Act. It gives very large powers, but it is of little practical use, because those powers are not taken advantage of, and because it gives no power of entry. An obstructive person could therefore prevent the officer from entering in and examining the dwelling so as to obtain evidence for its condemnation. Glasgow has a special Act authorizing the town to spend 1,200,000*l.* in pulling down houses, not with a view to re-building as a public speculation, but to re-let the ground to private persons to build under strict building regulations. This, when done cautiously, produces a magnificent improvement. It is all very well to lay the blame on the shamefully underpaid medical officers. Already they were overworked, and numbers of them lost their lives in work for which they got no thanks and very little money, yet now they were to be saddled with the job of going among the poor and explaining sanitary laws. This was the duty of the whole community. We should not see the great problem of the reform of the working classes becoming more and more difficult day by day, but we should see a kindly feeling generated between the various classes, accompanied by those good fruits which never fail to result from the manifestation of an honest personal interest on the part of the superior classes in the concerns of the inferior. I speak from long experience as a visitor in the houses of the poor, not only for purposes of medical relief, but for the moral amelioration of the poor, when I say that it is a labour which brings its own reward. Every day and hour that you are engaged in that work you feel that you are doing that which will be of great advantage to the morals and habits of the community. We must not forget that the poor love the filthy and unhealthy rather than that which is clean and wholesome. As a visitor you must inculcate the duty of keeping their windows open, but in some cases you may do it every day for a twelvemonth, and all through the year you will find every chink and crevice filled up so as to prevent the access of a single breath of air to a dwelling so stifling as almost to be noisome. Until we have changed the morals and tastes of the people we shall not secure for them healthy habitations.

Dr. Acland, F.R.S. (Oxford): We shall all agree and sympathise with the repre-

sentatives of this town who have spoken, that it is impossible to do everything at once, but I join absolute issue with Mr. Hastings. The principle upon which the Commissioner's report was based was this. The sanitary wants of our people are felt in every corner of the kingdom, and we find in every corner of the kingdom a representative few people who elect their own guardians and their own officers, and we say to them, conduct your own administration and work this thing out for yourselves. Mr. Hastings appeared entirely to forget that beside the advice which the Commissioners gave to the Government, that all these guardians and medical officers, and all the ratepayers, should be engaged in this personal work; we recommended also that the Government should appoint as many skilled inspectors as the case may require. We did not mention any particular number, not desiring to increase the burdens of the already excessively taxed country beyond the actual requirements of the case, and these we left the Government to decide upon. If 100 more skilled analysts are required to initiate the guardians and other officials in the country into their duty, by all means let the Government provide them. I will refer to only one other matter which has happily passed beyond the region of a discussion. It is now the duty of a chief Minister of State to bring the whole force of the Government to settle this question. The Local Government Board exists. It has at its head a north country man, Mr. Stansfeld. He has associated with him, as secretary, Mr. Lambert, and as engineer, Mr Rawlinson. He has others at his command to help him to frame his Bill, and I think this is exactly the wrong time to throw any doubt upon the wisdom of what is likely to be submitted to Parliament as a remedy for the evils we all wish to put an end to.

Mr. Holland: Nothing has been said in the course of this discussion in opposition to what I laid down in my paper, namely, that there are houses standing in which people should not be allowed to live, and which, therefore, should be pulled down. Of course it would be unjust to require the owner to spend the whole of the money required to renew them at once, but the cost might be spread over a number of years, as was done in the case of the improvement of towns.

Mr. Chadwick, C.B. (London): Sanitary science has become so much a matter of certainty now that a man might contract for a fixed sum to reduce the death-rate of Leeds to a third of what it is at present. With respect to the lower class of habitations there is no doubt that some of them cannot be improved, and when that is the case they ought to be taken down.

Mr. Michael summing up the discussion said:—We seem to be all agreed that no external pressure by Government or otherwise can accomplish the object we have in view unless the people are so improved morally as to make them willing agents for their own improvement, and that you cannot act entirely from without but must have assistance from within. It has been stated here how much we are indebted to local legislation and local legislators; but in my experience the great opponents of all healthy legislation have been the owners of cottage property. The action of these men whose interest it has been to procure influence in the local authority has been such as to disgust intelligent men and prevent them from taking part in the local management. Consequently local management has fallen into the hands of those who are indifferent to sanitary laws, of those in fact who are owners of cottage property and who refuse to incur expense for the improvement of their own property. What we want is something more than an authority to make bye laws, and it should become our duty to impress upon our representatives in Parliament that in any sanitary Act there shall not be merely the loose powers given of making bye laws, but that you should have the power of dealing with human habitations under the law itself. The second point touched upon is the acquisition of property for public purposes; and it is a serious question to decide to what extent and under what circumstances we should be allowed to deal with these small properties to the injury of private persons for the public good. I would recommend that, without requiring any cumbrous formalities to be gone through, there shall be a simple mode by provisional order after proper inquiry, under which for great public advantage private interests must go to the wall.

HEALTH OF OPERATIVES.*

What are the best means of Promoting the Health of Operatives in Factories and Workshops? By T. H. STALLARD, M.B.

THE question is narrowed by the terms to the consideration of the causes affecting the health of the operatives within their workshops. The workman neither eats, drinks, nor sleeps there—the only essential of life of which he partook was air, and the question first of all was—Are the arrangements for the sufficient supply of pure air as satisfactory as they should be?

In order to answer this it was desirable to inquire whether the operatives in factories presented any evidence of deteriorated health? Looking at the death-rate of Leeds, a town in which the proportion of operatives in factories is very large, and excluding the deaths under fifteen years of age, it would be found that there were in 1870, 3218 deaths, of whom 619 died of tubercular diseases, chiefly consumption, and 628 of diseases of the respiratory organs—making a total of 1247 deaths, or 38·7 per cent. of the deaths over fifteen years of age. Public attention had not been drawn to the preventibility of this class of diseases, but in the army the subject had attracted great attention, and it was found that they were caused, not by exposure to the weather, not to the variations of climate, not to the peculiar conditions of a soldier's life, but simply to the fact that he had been compelled to live and sleep in barracks, which were his workrooms, not supplied with a sufficiency of pure air. And the moment openings were made in those barracks, and a sort of supply of air given, the mortality from these complaints diminished. The highest authorities in the army are not yet satisfied that the arrangements for ventilation are anywhere sufficient, and they are of opinion that the mortality from consumption and diseases of the respiratory organs is susceptible of further diminution. No one can examine the physical condition of factory hands in contrast with agricultural labourers without being struck with the great physical difference in the individual, and the extraordinary change which takes place in the history of the race—nor will he fail to arrive at the conclusion that this difference is almost entirely due to the fact that the agricultural labourer works in the open air. Their houses are alike ill-constructed and overcrowded. There is the midden at the door of one, and the muck-heap at the door of the other; neither are remarkable for their cleanly habits, their morals, or their sobriety. But from the moment they leave home their circumstances change. One goes to work in the huge brick box, with its long rows of white windows, not half of which can be opened, and the supply of air depends on the caprice of the occupiers, or, at best, upon openings which admit a niggardly supply of fresh air at the floor, and allow it to escape through a cowl at top, so constructed as to make that escape as difficult as possible. Whereas the other goes forth to

* See *Transactions*, 1865, p. 377.

expose himself to the invigorating air of Heaven—supplied to him without stint—in perfect purity. It penetrates his lungs, it bathes his skin, it carries off all impurities of the blood, and it brings health and vigour to both mind and body.

During the cotton famine Mr. Rawlinson bore testimony to the marvellous change which took place in the habits and appearance of the factory hands when they were transferred to the open air. At first their limbs became wearied and their hands sore. But in a few weeks, the appetite improved, became less fickle, and the craving for stimulants decreased, and gradually the power of the muscles grew, the limbs became "set" and the cheeks fresh and ruddy. Many men felt the happiness of this change so much that they never returned to the factory.

Man is constituted to live and labour in the open air and not in a box, and it may be contended—

(1.) That the operative, *cæteris paribus*, will enjoy better health—a more prolonged period of ability to work—and greater energy both of mind and body in proportion to the number of hours he spends in the open air.

(2.) That although he may consume more food, there is less necessity for meat, stimulants, and other expensive forms of food. In fact, health depends far less upon the quality of the food than upon the habit of "out-door life."

(3.) It is, therefore, more economical to employ operatives in the open air.

(4.) Out-door labour, especially if it be combined with good food and education, tends to the improvement of the race, whilst no amount of food or education will prevent the degeneration of people employed in factories as they are now constructed.

(5.) It is, therefore, necessary that all factories and workshops should be so constructed as to assimilate their conditions as near as possible to those of the open air, with provision only for protection against rain, direct sunshine, and violent draughts. Unless we recognise this principle in the arrangement of our houses, workshops, hospitals, public buildings—in fact, unless we make the principle of living in the open air that of our hourly life, we must degenerate.

At present the only point at which we recognise the principle is in the treatment of the sick, and there are only a very few of us do that. What is good for the sick, must be good for the maintenance of health. The best hospital in the world is an umbrella tent, and so long as the body is properly protected by sufficient coverings, there is nothing but good in exposure to the air. Of course there are a few limitations, as in cases of inflammation of the air passages, but there can be no question that the problem under consideration is how to provide buildings, the interiors of which are absolutely open to the air, with provision only for protection against rain, direct sunshine, and violent draughts.

This principle has, unfortunately, been ignored by architects, and even by the most distinguished sanitarians. It is only necessary to

visit the best constructed factories to see the difference between the air in the workrooms and that outside, and in saying this I put aside altogether the presence of dust and other deleterious emanations from the work, machinery, &c.; whilst scientific sanitarians have, unfortunately, occupied themselves with determining the least possible quantity of air which is required for respiration and the least possible openings in a room or workshop through which it may be supplied. This is not the problem. Man at work in the open air is not so restricted. The change is constant, the supply inexhaustible, unlimited. You will perceive that starting with this principle I at once exclude all ventilating arrangements, as they now exist. Openings whether at the top or bottom of the room are partial in their operations, and without any exception they create draughts which are forcible according to the pressure exerted, and are local in their action. If you were to attempt to fill a room with water through openings described as ventilators the process would in many cases occupy many hours, and if the pressure is increased as to make the operation quicker in the case of air, there must of necessity be draught. If, therefore, we want to place our workroom in free contact with the open air, we shall be compelled to adopt the principle of numerous small openings; and we must rely upon the laws of diffusion and convection for a sufficient and complete interchange, that is, we must protect our apartment from the direct pressure of the wind, and yet provide a large surface in which the communication with the outer air shall be free. The laws of diffusion and convection are sufficient to ensure interchange even in the stillest atmosphere, if only we give them sufficient opportunity for acting, and the problem is thus reduced to the question as to largest surface of our room sides, which may be perforated by innumerable small openings, so placed as to be free from any outside pressure of the wind. Of course we cannot perforate any of the sides, and we have only the top and bottom. It would be expensive, difficult, and useless, to perforate the floor, and thus we are driven to the alternative of perforating the ceiling, and if we protect the perforated ceiling from rain, and expose it nowhere to the direct pressure of the wind, we have succeeded in placing the workroom in free, complete, and immediate contact with the outside air, and we have given the principle of slow diffusion full play. No great volume of cold air can possibly be driven down on any side of the apartment, whilst the freest exit is provided for the warm and vitiated exhalations from the lungs and body, and for any unwholesome products of the manufacture carried on. There is no disturbance in the atmosphere of the room sufficient to interfere with the natural rising of the vitiated products to the ceiling; and in the plan I have proposed there is nothing to prevent the escape of those products into the air chamber, from which they are at once carried away by the horizontal current passing through. The arrangement is simple. Every room should be provided with a double ceiling, the space between being in free communication with the

outer air on all sides. The top ceiling is either the floor of the room above or the roof—the lower ceiling is made of finely-perforated zinc or oiled paper. The air-chamber should be large enough to admit of being swept out from time to time, and the sides may be made of perforated bricks, which may be made of various colours and shapes. This plan does not interfere with the employment of opposite windows and ordinary means of warming rooms; the sole object is to maintain the principle of living in the open air—under all conditions, whether in winter or summer, day or night. It is beyond the control of any one to cut off that wholesome and necessary connection—It is a principle which, in my judgment, is as necessary in a bed-room as in a drawing-room, and as necessary in a factory as in an hospital. It is a principle which has been ignored by architects since the Roman era, but I would observe that the courts of the Pompeiian House are but a more open arrangement than the one proposed. I believe that the best means of improving the health of operatives in factories and workshops would be to place them in direct communication with the open air by the plan proposed.

DISCUSSION.

Mr. CHARLES LAMPORT (London) said that Dr. Stallard's theory was admirable, but in practice it was calculated to produce evils which would militate quite as much against the conditions of health, as did the very evils the theory professed to remove. If he understood the object of that theory it was to import the advantages of open air into what Dr. Stallard called "boxes" or workshops. It did not, however, appear to take into consideration the advantages or the disadvantages which naturally attached to so variable a climate as that of England. Dr. Stallard could not ignore the results of admitting night air into hospitals. Night air was breathed with the chance of variations taking place, and these were often very great, so much so in Switzerland that during the autumn a celebrated physician absolutely prohibited the admission of night air, remarking that one could never depend upon the climate, but that England was worse in that respect than Switzerland. In the course of the night there might be a fall in the temperature of more than ten degrees, and if that altered temperature were conveyed by draughts through a window on to the bed of a sleeping patient, in many cases the result was nearly fatal. With regard to workshops, he was for many years connected with a factory in the neighbourhood of Manchester. His partner, desirous to supply to the workpeople, as nearly as possible, the conditions indicated by Dr. Stallard, introduced fans, and had a system of ventilation put in, under the superintendence of Sir William Fairbairn, whose name would be a sufficient guarantee that the work was well done. But the operatives would not have the system at all; they said, "If we are to live in these conditions you must raise our wages." He did not think that the proposed arrangement would be acceptable to tailors and sewers, for instance, who might be content with the variations of temperature, as long as the summer lasted, but who would not care in winter to feel a temperature below freezing point. Then, as a matter of practice, the arrangement would not hold good in machine shops, where you must have travelling cranes, or something of that sort. There were one or two essential principles which ought not to be overlooked: whatever system might be adopted it should, at least, be one that nobody could rebel against. In order to have a thorough ventilation there must be one essential condition, namely, draughts. If the air were changed, that must be done by current, and that current changed would become a draught. What, then, remained to be done was to secure that draught and make a friend of it, by the process of warming. With that qualification the system would be practically

perfect, except in the matter of expense, for he feared that owners of buildings would rebel against the expenditure necessary to keep up an efficient and thorough ventilation. If they would not incur that expense, but admitted the cold draught from the outer atmosphere, however beneficial the breathing of oxygen might be, in all probability the workpeople would at once ask for an increase of wages.

Mr. P. H. HOLLAND (London) said his chief objection to the system under discussion was the great sacrifices it involved. This he might at once illustrate by showing that the advantages of the system might be secured without its sacrifices. Take a building sixteen feet high, and cut off say four feet. Get a large cornice perforated, so that a sheet of air might come through slowly. If a cornice were placed on each side of the room, and the perforations were made so as to allow a sheet of air to creep under the ceiling from side to side, all the objects proposed by Dr. Stallard would be accomplished without the sacrifices his system involved. We generally burnt a quantity of fuel in a grate, and sent the heat up the chimney. Surely it was not in accordance with common sense to burn a ton of coal, and let the heat of 19 cwt. escape in that way. Thirty years ago he witnessed an experiment which was effectual, to some extent, in preventing the waste of heat, without cost. An air-pipe was carried up the chimney, so that the air caught a proportion of the escaping heat, and, by means of a simple contrivance, that heated air was brought into the room constantly. This current of warm air was, of course, much pleasanter than a current of cold air, to which most persons sitting in a room naturally objected. That, he believed, was one of the best and cheapest methods of ventilating with warm air.

Mr. ANDREW LEIGHTON (Liverpool) said the simplest and most effective system of heating and ventilation he had ever seen was in a schoolroom at Glasgow. The schoolroom was on a second floor. In a lower floor was an ordinary kind of grate, and the only supply that grate could get was the exhausted air of the schoolroom, carried by a tube in the ceiling. The necessity of the fire creating a draught took away the whole of the exhausted air from the schoolroom. The supply of fresh air was by means of a perforated pipe which conveyed the air to a boiler heated by the fire; and after the air had been warmed by passing through that boiler, it was conveyed by a tube to the schoolroom, where the atmosphere was thus kept in constant purity, without any of those draughts which gave people colds, or, at least, rendered sitting in a room uncomfortable.

Mr. ALFRED BENNETT (Liverpool) had just visited the Council-Chamber of the Town Hall, in which one of the Departments was then assembled, and had there seen how necessary it was that some such system as that recommended by Dr. Stallard should be adopted. The chamber was crowded and the atmosphere almost unbearable. The method described by Mr. Leighton might perhaps answer well enough in ordinary circles, but he feared that it would be quite insufficient to create that rapid change of air in a crowded room which was essential, in order to maintain a pure atmosphere.

Dr. STEWART (London) said it seemed to be generally admitted that any hospital where the system of ventilation did not provide an ample supply of fresh air was faulty in its arrangements. In that respect, therefore, Dr. Stallard's proposal was a good one. In most of the London hospitals there was a plan in operation that supplied an ample amount of fresh air without discomfort to the inmates. The best plan he had seen was one used by a friend of his at Chichester. The air, in that instance, was admitted by an arrangement of perforated plates, so that it might enter the room as imperceptibly as possible. His friend said he could ventilate houses by the same method, even in the coldest weather, without unduly lowering the temperature. Warming more particularly came within the architect's province, but, unfortunately in too many cases, architects did not apply their minds to that study. Some engineers had, however, proposed many admirable plans for warming buildings. As regarded the introduction of air, wherever very small perforated plates were used to diffuse the air imperceptibly, those plates, like those [illegible] his friend at Chichester, should be capable of being removed every [illegible] might be choked up, for it was remarkable how rapidly refuse [illegible] to the safe admission of air into sleeping-rooms, he [illegible] the plan he proposed, then in operation at the

Dr. MacMillan said the introduction of pure air into workshops during the day was undoubtedly a very different question from that of admitting fresh air, during the night, into sleeping-rooms, where patients were placed at a certain distance from each other; and, bearing this distinction in mind, he could not help thinking that the best arrangement would be to adapt the removable plates, mentioned by Dr. Stewart, to the system proposed by Dr. Stallard, and that the temperature of the hospital-ward might be heightened or lessened by the insertion or withdrawal of one of the perforated plates.

Mr. Rawlinson, C.B. (Chairman) said no artificial remedy, no finely-drawn scheme of flues or valves, or indeed anything of that kind, would provide that abundance of fresh air which appeared to be necessary for health. Having given an account of his visit to the Army in the Crimea, as a sanitary commissioner, and the condition in which he found the troops and the causes of the great mortality among them, he proceeded to point out with regard to day and night temperature that people in this country were less afraid of ventilation than continental nations were. In France, Italy, and Germany, there was nothing that people dreaded so much as open windows. He would venture to say, in the hearing of medical men, that it was time that the bugbear with regard to the difference of temperature between night and day was got rid of. This he thought might be done by putting patients out of a direct draught, and keeping them pretty well covered. With regard to night air, travellers in the East were well aware that although at mid-day a tropical sun scorched the sandy plains of Arabia, at midnight rivers were frozen over. Yet he had never heard that any traveller suffered from the variation of temperature in that part of the world. He himself had been in a country where the temperature was about 120 degrees in the sun. He recollected that he had to march with his coat off, and that he perspired from every pore. Yet at night there was ice an inch thick. For his part he could safely say that he did not suffer from that change of temperature. He did not mean to say that patients might be subjected to such a variation of temperature, but he simply referred to his own experience to show what the human constitution would sustain, so long as it had the benefit of fresh air. What was called flue-and-flue ventilation had signally failed within his own observation, and his whole experience pointed to the absolute necessity of obtaining plenty of fresh and pure air if the object was to secure the health of workpeople, and to facilitate the cure of patients.

Dr. Stallard, in reply, observed that at the hospital with which he was connected, and where a large number of small-pox patients had been treated, windows were open during the whole of February and March last. One of the most remarkable recoveries that had taken place there was accomplished in a tent, from which the sides were removed, in fact a sort of umbrella, under which the patient was placed, with the simple protection of a large thick blanket. It was one of the most curious phenomena discovered in recent times, that nearly all diseases, especially those terminating in death, were accompanied with an extraordinary rise in the temperature of the body, and that in almost all cases preceding death, the temperature rose to 104-6-8, in the place of 98. That reducing of the body's heat, combined with an abundance of fresh air, formed one of the most important methods of treating disease. Mr. Lamport had spoken of the ventilating fans. For his part, he always had an objection to these engines, on account of their deficiency. If we could not settle this question upon natural principles we must give it up as insoluble. If it was desirable to introduce warm air, let that be done, but he must protest against cutting off the outer air simply to economise fuel. By no means should the connection of the outer air be destroyed for the sake of warmth. In the Sanitary Exhibition he had observed a ventilating chamber, which he understood was intended for the wards of the new hospital in that town. These different wards were to be ventilated by means of flues—old things that had been tried over and over again, and discarded as often as they had been tried. He was not aware that the sanction of the Poor Law Board had been received for the introduction of that system of ventilation, but the other day he visited the workhouse, and there saw a room ventilated under the direction of an inspector of that Board. There were four little openings in the room, two at the bottom of each end, and two at the top of each end. After that he was not astonished that they were going to build a new hospital. The system he proposed did not

interfere with the admission of fresh air through open windows in warm weather, when we could scarcely have too much ventilation of that kind; but in cold weather the prevention of draughts was the desideratum. His plan was the result of a long study of the question, and although it had not been actually put into practice yet it was under the consideration of the local authorities of Halifax, who were about to build a new hospital, and also of the authorities of Leicester, who had in each case promised to look into the matter carefully. Then, some of the most eminent inspectors connected with the Medical Department of the Privy Council had expressed opinions in favour of the plan being tried. Practical experiment would have to determine several details incidental to the scheme. With regard to night air, he maintained that there was no danger whatever to be apprehended from its admission into a house, provided the latter was not built in an unfavourable situation. If a house were erected in a swamp, there would be emanations from the swamp capable of producing disease, but so long as the site of the building was of the ordinary and proper kind, no danger would arise either from the humidity of the air or from changes in the temperature, provided, in the case of a hospital, the patients were well covered up. This had been tested by medical men in the treatment of fever cases, and most assuring evidence existed as to the safety of the experiment.

Mr. G. H. L. RICKARDS, Sub-Inspector of Factories, then read the following paper "On the Factory Acts." *

IN England alone there are 97,074 works under the supervision of the factory inspectors, employing 2,006,978 hands, and of these 98,731 are children at school as half-time workers. When we consider the important position which Leeds occupies in the industrial condition of the country, I trust the members will accord me their indulgence while I briefly place before them some of the more important facts connected with the working of the Factory Acts, and I do this with less hesitation when we remember that on a careful administration of the various Acts by the factory inspectors, the social, moral, and intellectual well-being of more than 2,000,000 of our industrial classes materially depends, and for whose special benefit these Acts were passed.

For a considerable time previous to the year 1832 great dissatisfaction was expressed at the long hours during which the children and young persons were compelled to work in the various factories of textile fabrics, ranging from 5 a.m. to 8 and 9 p.m. The baneful effect of these long hours in hot, ill-ventilated rooms was seen in the stunted growth and enfeebled physical condition as shown in the mal-formed lower limbs, and notably in a peculiar disease which entirely destroyed the arch of the foot, the result of which was that the person could never walk with ease and comfort. As a student at the Leeds Infirmary from 1836 to 1840 I saw many cases of this kind, but I am told that for many years such cases have never been seen. Not only were these evils acting prejudicially on the bone and sinew of our population, but our children were growing up in total ignorance except for the slight education which they obtained at the Sunday schools of that day, as supplementing the old dame schools of the country villages.

Though I would not for a moment say a word in disparagement

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* See *Transactions*, 1865, p. 291.

of the great benefits which have been effected by the Sunday schools, I respectfully submit that their chief importance should be in teaching religion, and not in teaching the factory children writing to the older ones, and the alphabet to the younger, as was the case thirty-five and forty years ago. These matters were so persistently pressed on the attention of Parliament by a noble band of zealous philanthropic men, among whom I need only name Shaftesbury, then Lord Ashley, Fielden, Oastler, Michael Thomas Sadler, Wood, and a host of others, equally determined to rescue the poor factory child from a thraldom equal to any slavery. The result of all this was that in August, 1833, the glorious Factory Act was passed, in spite of the interested opposition which it met with on all sides from the factory masters. That some of this opposition was honest, legitimate, and conscientious, I readily admit, having had the account from several of the masters themselves, while, at the same time, they have generously acknowledged that they were mistaken.

In speaking of the Factory Act of 1833 as a glorious Act, I do so advisedly, for assuredly we may assert, without fear of contradiction, that the material welfare, the improved moral and social condition of the working classes, may date from the passing of that Act; and when we consider that in this Act Parliament had enunciated a principle which it had never recognized before, namely, that the State authority should over-rule parental authority, and that the labour of children should be supplemented by education, this was a great point to accomplish, and has been bearing fruit from that day to this, as you will easily perceive when I tell you that there are now, as shown by a blue-book, recently published by order of Parliament, no less than 107,900 children under the educational supervision of the factory inspectors. I use this form of expression advisedly, because we are empowered to enter any school where factory children attend, and ascertain that the standard of education is satisfactory. It is also our duty to see by the school certificate book that the children are regular in their attendance; and on this point I regret to have to say that the parents of the children appear by no means to appreciate the educational advantages provided for them by the Factory Acts, as the children are kept at home for the most trivial causes, and often for no cause at all.

The main features of the Factory Act were—(1.) Limiting the ages at which children and young persons should work in textile factories; (2.) Limiting the hours of labour of children and young persons; (3.) Preventing the employment of any person under eighteen years at night; (4.) Providing for not less than one and a half hours for meals during the day; (5.) Providing that a fixed number of holidays shall be given during the year; (6.) That no child should be employed without a surgeon's certificate of its satisfactory physical condition; (7.) The appointment of Inspectors to carry out the various requirements of the Act; (8.) Compulsory attendance of children at school; (9.) Providing for sanitary condition of factories by having them limewashed every year.

These items embraced the main features of the Factory Act, but after trying it for several years it was found necessary to enlarge its powers, and to remedy its weak points.—(1.) By a more careful attention to the registration of all under eighteen years of age; (2.) By a stricter surgical supervision of all under sixteen years of age; (3.) By enforcing protection to workers in wet spinning flax mills; (4.) By insisting upon a more complete guarding of all dangerous shafting or machinery, and a careful investigation of all accidents; (5.) By securing greater regularity by insisting that all factories should be guided by some public clock; (6.) By not allowing a child to be employed at more than one mill during the same day, thus doing away with the relay system which had been in practice by some masters; (7.) By a much greater strictness in the various educational requirements of the Act, enforcing a more punctual attendance at school; (8.) By limiting the hours of labour of all women; (9.) By additional regulations as to meal times and holidays; (10.) By fixing penalties for various offences against the Act; (11.) Careful definition of the Act by means of the interpretation clause.

It will readily be seen on comparing this Act with the former that many improvements had been made, all which tended to promote the comfort of the classes for whom these Acts had been passed.

The success which attended the working of these Acts was such that in June, 1845, a similar Act was passed to afford the same protection to the children, young persons, and women employed in print-works; the clauses of which Act were assimilated as nearly as possible to those of the Factory Acts with a due regard to the peculiar exigencies of the trade. In the year 1850 it was found necessary still further to provide for a more precise arrangement of the law, and a short Act was then passed, which enacted—(1.) That no young person, and no female, should be employed before 6 a.m., nor after 6 p.m., except to recover lost time, nor after 2 p.m., on Saturdays; (2.) That the meal-times should be taken between 7·30 a.m. and 6 p.m.; (3.) For the recovery of time lost by flood or drought; (4.) For working from 7 a.m. to 7 p.m., in place of 6 a.m. to 6 p.m. between 1st October and 31st March, in the following year; (5.) Not allowing any female or young person to be in any room where any manufacturing process was being carried on during the hour and half set apart for meals.

These changes had all been found necessary to provide for the various irregularities which were practised by some of the mill-owners. The last Act provided that young persons and females should be employed only between 6 a.m. and 6 p.m., save for the recovery of lost time—as during the winter months from 7 a.m. to 7 p.m. It was in 1853 found necessary to pass a short Act, limiting the hours of labour of children in a similar way. Again, in the year 1856, it was found necessary to pass a short Act to provide additional security against accidents by more clearly defining parts which required to be fenced.

In the year 1860, an Act was passed to place the employment of women, young persons, and children, in bleaching and dyeing works, under the regulations of the Factories Acts—due regard being had to the peculiar exigencies of the trades.

The beneficial effects of the Factories Acts were so apparent that it was deemed advisable to place other trades under their beneficent rule, so that in 1864 an Act was passed, extending its provisions to the manufacture of earthenware, lucifer matches, percussion-caps, cartridges, the employment of paper-staining, &c., the employment of fustian cutting. This was a great step in advance, as it recognized the necessity of extending the protection afforded by those acts to trades which by no means were understood by the ordinary definition of the word factory ; but the necessity for this extension was considered so urgent, and the general confidence in the administration of the Factory Acts was such that the operatives in some of the earthenware districts, I was told, had petitioned to have the Acts applied to their trade, and the result has been eminently successful. The terrible oppression which the very young children had to endure from the idle, drinking men for whom they worked, imperatively demanded that they should have that protection from the law which had so advantageously been granted to children, young persons, and females in other trades—and this no doubt paved the way for a still larger extension of the Acts to the various other trades in the year 1867, as well as to placing all the workshops in the United Kingdom under the supervision of the local authorities. This last Act being permissive, and not compulsory, has been observed with such absence of regularity that in August of this year an Act was passed placing all the workshops under the supervision of the Factory Inspectors, whose duties will thus be very largely increased.

When we remember the violent opposition which was shown by the mill-owners to the Acts of 1833 and 1844, and also to the administration of those Acts by the Factory Inspectors, it is very encouraging to see the change which has taken place of late years in the public opinion, as evinced by the readiness with which the extension of the Factory Acts to other trades has been accepted and welcomed by those trades. Mill-owners now see that the restriction of the hours of labour is as great a boon to them as it is to the operatives; in proof of this I may state that some have voluntarily reduced the hours of labour still further by closing their factories at 1 p.m. on Saturdays in place of 2.

I may here be permitted to remind my hearers who live at a distance from the factory districts, that this limitation of the hours of labour tends to equalize the production of the manufactures, for in a busy time the hard master would endeavour to out-strip his neighbour by increasing the number of working hours, but as these hours are now limited from 6 a.m. to 6 p.m., all are placed on an equal footing. I have often been told by the operatives how glad they would be if the mill-owners had been compelled to stop the moving

power at 6 p.m., this would have effectually put an end to overtime on the part of the men.

One objection taken to the Factory Act of 1833 was the effect to promote the sanitary condition of the mills, by requiring them to be limewashed every year. A strong opponent to this part of the Act once told me that he had lived to change his opinion, for he now thought it was one of the best parts of the Act. Great surprise has often been expressed at the number and severity of the accidents at the various factories. This should not excite surprise when we remember the numbers of men, women, and children who are employed, and the dangerous nature of some of the machines in the immediate contiguity to which they are employed. I can, however, with confidence say that I always find the utmost readiness on the part of the mill-owners to carry out any suggestions I may find necessary to promote the comfort and safety of the operatives. I am quite aware that this object can be most easily obtained by preferring my requests to the mill-owners with that courtesy which is certainly due to them. I therefore make a point of never ordering anything to be done, but I ask for it. The readiness with which the suggestion is carried out when presented to the mind of the mill-owner in the above form I feel sure will be appreciated by those present, at any rate I know it has answered with the men I have had to deal with. I claim no merit to myself in thus administering the law, for I am sure the same course is pursued by my colleagues with equal success, and I think it is fair to assume that the readiness with which the whole country has accepted the extension of the Factory Acts may in some measure be due to the confidence in the equitable administration of the law.

There is one point I must bring under your notice, which is this; that the more effectually the working classes are impressed with the advantages of sanitary improvements, the sooner we shall see the fruits of such information in the improved condition of the factories. I would here especially allude to the opposition which is continually shown to improve the ventilation of the factories.

If it were asked what have been the benefits of the Factory Acts to the working classes, I would reply—(1.) Improved physical condition; (2.) Entire freedom from some forms of disease; (3.) Increased protection from accidents; (4.) Protection from excessive work; (5.) Improved sanitary condition of factories; (6.) The education of all children under thirteen years of age.

By an Act passed two months ago, the whole workshops of the country were placed under the jurisdiction of the factory inspectors, a few words, therefore, on the subject may not be out of place.

It will be remembered that in 1867, when it was necessary to add a large number of various trades to those already under the provisions of the Factory Acts, an Act was also passed placing all the workshops under the supervision of the factory inspectors. Our chief duties will be to prevent over-work, see to the sanitary condition of the workpeople, and attend to the education of all children

under thirteen years of age. In this way the whole industrial classes obtain the advantage of the supervision provided by the Legislature through the exertions of the factory inspectors.

DISCUSSION.

Mr. Edwin Chadwick, C.B., said, the opinion of his colleagues, as well as that of himself, was that factory inspection should mainly be of a sanitary character; and he would have desired to see a provision inserted in the Act, which might have embodied the view; but although the report which he drew up for his colleagues formed the basis of the present factory law, in the hurry with which the Act was passed no qualification of that kind could be specified. The defect, however, might now be supplied as well by a medical man as by a lawyer; and if proof were needed he had but to instance the work done by Mr. Baker, surgeon of Leeds, to whose exertions the completion of factory legislation was largely due. A loud cry had been raised respecting the ten hours' Bill, and no little credit was claimed by agitators on that question. He thought it only right to state that what the Legislature granted was not really what was asked. Application was made for a ten hours' Bill, pure and simple, for all factory operatives. The reply was, that for children, ten hours was too much; and in their case the time was restricted to six hours. Therefore, what was actually obtained could not be properly called a "ten hours' Bill." Nor was there any application for inspection or authoritative superintendence. The agitators of the question expected that the measure would be a self-acting one; but, on the other hand, it was held that, what with magistrate manufacturers and other influence, it would be impossible to make the measure self-acting, so thoroughly competent and responsible Government inspectors were appointed, on the principle already vindicated in the appointment of Poor Law inspectors. With respect to the particular qualifications of the officers, that matter had not yet been determined, nor vindicated by precedent. Although there had been many appointments of non-medical men, who did as much perhaps as any medical men could have done, yet not a few were political appointments.

Dr. Stewart (London) said one important question was, what powers had the certifying medical officer in regard to the workers actually employed in factories? If, as he understood, the officer had nothing farther to do with operatives after he had once admitted them into the factory, the health of many might fail in the course of a few months, and in that condition they could, if they chose to do so, continue to work in the same factory without let or hindrance from the medical officer. This probability at once argued the desirableness, if not the necessity, of establishing a constant system of medical supervision, in order that disease might be discovered in its early manifestation and checked before it assumed a permanent, if not fatal, character. He, therefore, maintained that the powers of the certifying surgeon ought to be extended so that he might exercise a continual examination as to the fitness of workers in factories. In his evidence before the Royal Sanitary Commission, Mr. Baker, himself a medical man, deprecated the position given to the surgeon who had these certifying duties to discharge. For his own part he failed to gather from Mr. Baker's evidence any reason for that opinion, an opinion which appeared contrary to what most persons would regard as the only practical arrangement that could be made in such a case. He thought that a medical man was the only competent judge of an operative's health, and that any system which did not make provision for the frequent inspection of such workers was very defective. He would frankly admit that a certain number of medical men were sub-inspectors, and that their services had been extremely useful; but what he mostly regretted was that their number was so limited, and that they could only make intermittent visits, whereas a certifying surgeon was on the spot and might devise some agency whose object should be to determine whether the health of the workers continued good or became deteriorated by continual toil.

Mr. EDWIN CHADWICK wished to supplement what he had already said by reminding Dr. Stewart that the regulations provided by the General Board of Health for the local officer of health, whose whole time it was intended should be devoted to the public service, stipulated that he should regularly visit the factories, as well as schools, because it was clear that a central visitation must entail an enormous establishment, if the work was to be done with any degree of efficiency. What they now required was to consolidate the local duties of the officer of health in order that he might get enough work to warrant the payment of a medical officer for the devotion of his whole time. Factory and school inspection, and matters of that kind, might all be comprehended within the duties of such an officer, and he might do the work well, provided the remuneration would enable him to be quite independent of private practice.

Mr. RICKARDS said he ought to know something of the practical duties of a factory surgeon, since he filled that position for several years. So fully was he convinced of the necessity of medical supervision that he offered to perform voluntarily the duty indicated by Dr. Stewart. He had obtained the sanction of the mill-owners in his district to visit their works every eighteen months; payment for each visit was tendered by each mill-owner, but the duties of simply passing the children presented to his examination were so slight that he did not feel comfortable in receiving the fees. He then suggested that he should merely take a walk through the mill, and note anything which might require the owner's careful supervision. He found that the owners had quite enough to do with commerce without troubling their minds about a certifying surgeon. In some instances he had to suggest or forbid certain matters, in the course of his inspection. That was regarded as somewhat to the detriment of the owners. On one occasion, when hands were greatly needed, he had to reject several as incompetent on the score of health. The owner in each case took his supervision in such good part that since his appointment as sub-inspector of factories, in 1858, he had frequently urged the medical officers to follow up a similar practice. In order to ensure the sanitary condition of his factory, an owner in Newcastle increased the payment of the medical man he employed to inspect the place, from 5*l.* to 20*l.* In fact, the whole of his experience showed that mill-owners would gladly accept sanitary inspection.

Mr. E. FILLITER, C.E. (in the chair), remarking that the paper might properly have been referred to the Jurisprudence Department of the Congress, said there could be no doubt that medical inspection of a continuous kind was more than ever required for factories, though it was probable some other aid would be required, such as scientific men with a full knowledge of the details of construction would be able to give.

On the Modes of dealing with Outbreaks of Pestilent Fevers, sanctioned by the Health Authorities of Merthyr Tydfil. By* THOMAS JONES DYKE, *Medical Officer of Health for Tydfil.*

I WOULD first briefly describe the district, and will borrow the words of a recent writer, who says, of the pleasant land of Glamorgan, that "it is a broad tract of fertile soil stretched out at the foot of lofty mountains, through whose rifts the torrent rivers come down from the bare inland valleys. Passing up from the plain, the mountains grow sterner, hemming in the river and the narrow strip of green sward along its course, clothed up to their summits with dark woods, or rugged with grey limestone cropping out through the scanty grass; sterner still, until the valley becomes a dark ravine, through which the river leaps over the limestone rocks, the mountain sides brown with heath, and far inland, the

* See *Transactions*, 1869, p. 386.

central chain rising up in vast cliffs of the red-sandstone of the ages gone long ago."

In a green oasis in one of these valleys, through which the Taff finds its way from the Beacons of Brecon to the estuary of the Severn at Cardiff, at an elevation of 500 feet above the sea-level, is situated the town of Merthyr Tydfil. A century ago, it was a mere upland village. At that time, strata, rich in ironstone, in coal, and in mountain limestone, were discovered. Thereupon quickly followed the erection of furnaces for smelting the stone, and forges and mills for the further purification of the metal obtained. The village gradually became a town; in time the few houses near the pit's mouth, and the blast furnace, became each a village, and now the whole forms a large town of 10,000 houses, occupied by 52,000 people.

During the gradual growth of the place, the requisites for healthy habitations were unthought of. As an Arab of the street grows untended and uneducated, so did this town become large and thickly peopled, and yet no water was supplied; no care was taken to remove refuse; no heed was taken of the causes which diffused pestilent diseases. They came,—and aroused fear and trembling while prevailing; they passed,—and their teachings were forgotten.

In words, alas too truthful, the Medical Officer of the Privy Council in 1866 wrote of Merthyr:—"This place used to be abominable, it had almost the unwholesomeness, with but a fraction of the apology, of Liverpool. In our statistics for 1851-61, it showed every possible evidence of sanitary neglect; in fever, in diarrhœa, in cholera, in small-pox, in phthisis, and other lung diseases, in mortality of children, test it how one would, it always was conspicuously bad."

That a town, whose inhabitants derived their water supply, which was "cruelly scant and disgustingly foul," from wells and springs; whose excreta accumulated in cesspools, placed in dangerous nearness to the wells; whose streets were heaped with mounds of decomposing house-refuse; the cottages of whose working men were built against banks of earth, or back to back, and thus were deprived of the means of thorough ventilation—that such a town would be the frequent seat of desolating pestilences, will be obvious to those who have studied the question of public health.

I will ask your attention to three only of the diseases which have spread, epidemically, during the last six years—cholera, typhus fever, and relapsing fever.

Cholera made long sojourns in 1832, 1849, and 1854. In 1849 one out of seventeen of the people were attacked, one out of thirty of the inhabitants died. In 1854 the proportion of deaths was reduced to one out of 112 of the people. The outbreak of cholera in August, 1866, was clearly traced to four primary cases. All these occurred within thirty-six hours, at places miles apart from each other. In three out of the four cases no communication with any infected place or person could be traced; in the fourth case there was a probability that the sufferer (a rag gatherer) might

have handled the soiled clothing of the sick in a town five miles west of Merthyr. All the subsequent cases of cholera, 278, were traced to communication with some one or other of the four persons first affected.

Of typhus, large numbers of the inhabitants have, throughout my own medical recollection, extending over forty years, been the almost annual subjects. Why? I do not hesitate to attribute the proclivity to this form of pestilence to the residence of too many persons in the same house, the rooms of which were not thoroughly ventilated. It was in houses of this faulty-construction that typhus always first appeared; in these it continued to spread. Here also cholera found its earliest subjects, and its most frequent victims; and in these, in far larger proportions than in thoroughly ventilated houses, scarlet fever, measles, and whooping cough, in each of their frequent visitations, slew their hundreds of infant lives.

Cases of typhus were comparatively rare in 1867, and in the spring and summer of 1868, but in the autumn of this year certain persons were infected by having nursed a stranger, who came into the town sick of the disease. By communication with these cases others were affected, and the disease continued to spread all through 1869, and until the spring of 1870. In all, 402 persons were affected. The "contagium" was clearly traced from one to the other throughout the whole number of cases.

While, in March, 1870, we were congratulating ourselves in having scotched the snake typhus, another of this hydra-headed tribe was settling down amongst us. Cases of what was called "low fever," but which proved to be relapsing fever, occurred in February and March, but of these, and of those which followed from contact with them, I did not hear until July; then inquiry elicited these facts:—That relapsing fever had prevailed in Tredegar, a town only seven miles east of Merthyr, in 1868, 1869, and 1870, and yet no public information had been given to the health authorities in the neighbouring towns of its existence—that a man and his children, on tramp, had come from this infected town in February to Merthyr; that he and his children, in a few days afterwards, were ill of fever; the persons who attended the family were affected; then others took the contagion from these. Some persons then resident in the locality, and who had visited the sick, removed to another part of the town; they there became ill, their neighbours nursed them, and these, in their turn, were laid down by the disease. In all, by direct descent of the contagion from the stranger who came from the infected town, 272 persons were, during a period of thirteen months, afflicted by relapsing fever. In another series of cases, a man who came to Merthyr from Maesteg, a town forty miles south-west, in which this fever prevailed, was ill at the end of the first week of his stay. The family with whom he lodged were in a fortnight all afflicted. Two women who came to nurse them took the disease. The nurses were removed to the fever-ward, the family to another house, and their house fumigated and cleansed. No other case occurred in that vicinity. A third series

was that of "tramps." These are they who wander from town to town, and are the well-recognized means of spreading contagious fevers. Twenty-three of these persons, who came into the town from October, 1870, to January, 1871, were ill of this fever. They were removed from the common lodging-houses to the fever-wards; the places in which they had stayed were fumigated, and the clothes disinfected by dry heat. In no single instance did the disease spread.

Having thus briefly stated the chief points relating to the outbreaks of the three forms of pestilent fevers, with which I have had to deal as officer of health, I would recall to your minds an acknowledged truism, that "contagious fevers spring from single cases."

Now, as fires in separate houses are either easily extinguished or do not spread by reason of their isolation, and thus general conflagrations are avoided, so I hold that, if persons sick of contagious fevers were early separated from the uninfected, and treated in isolated buildings, the spread of the diseases as epidemics would be prevented.

My object now is to show, that the attempts made to carry this axiom into practice have been to a great extent successful at Merthyr Tydfil.

But preparatory to battling with pestilences, works of great moment and cost had to be done.

(1.) Water supply.—In Merthyr up to 1860, the water supply was, in the language of Mr. Simon, "cruelly scant and disgustingly foul." It varied from fifteen to twenty-four degrees of hardness, and was bright and sparkling, and containing, as it did, a large quantity of carbonic acid gas, whence derived you all well know. Parliamentary powers were obtained to construct water-works. The works were completed in 1864, at a cost of 82,000*l*. An unlimited supply of pure water of only three degrees of hardness was put within reach of nearly all the inhabitants.

It is to this unlimited supply of pure water that I would primarily attribute our comparative immunity from pestilent diseases, and the milder forms which they have assumed during the last five years.

(2.) Sewers.—The draining of our cesspooled town was commenced in 1865, and the sewers were completed in 1868. Thirty miles of sewers and drains were made at a cost of 28,000*l*. By the middle of 1869, about 2000 houses were connected with the sewers; at this time an injunction from the Court of Chancery prevented the further progress of this much-needed work. The removal of excretions from houses was not the only good result of the formation of sewers, for the deep cuttings, in which they were placed, drained the cellars and ground floors of houses, and by thus diminishing dampness, also diminished those maladies to which women and young children, who spend so much of their time within doors, were so markedly prone. As a consequence of the Chancery suit, the consent of the Legislature was sought for and obtained to a scheme for disposing of the sewage by the irrigation of nearly 400 acres of land. This scheme is being carried out at an estimated

expense of 21,000*l.* The total expenditure for water supply, sewers, and sewage irrigation, will amount to 131,000*l.*

(3.) Immediately after the formation of the Local Board in 1850, a well-organized system of street cleansing, &c., was established, and has been efficiently carried out ever since.

(4.) The powers conferred by the Sanitary Act for the regulation of houses let in lodgings, and those given by the Common Lodging-House Act, have been fully used.

(5.) The thorough ventilation of all dwelling-houses was earnestly desired by the health authority, but unhappily, in this respect, the laws are in such a confused state that the working of them is almost impracticable. Under the Artizans and Labourers' Dwellings Act, progress is a word not to be understood in its ordinary sense, for when a local authority meets twice a month, seven weeks must elapse before the first step in the matter can be taken; while, if the meetings are monthly, thirteen weeks must be wasted. If that first step should be appealed against, three or six months more may pass before the case can be heard by the appointed court. Much, however, has been done by cautiously using the powers which this Act, and the Nuisances Removal Act, give; nevertheless, it is greatly to be desired that some simple, speedy, yet just, mode should be found to effect this necessary improvement to unventilated dwellings.

(6.) The provision of hospitals for the sick, and of cottages to which occupants of infected houses might be removed, early occupied the attention of the authorities. Legal difficulties arose, arising from the different interpretations put upon the words of the Acts of Parliament relating to the subject; after a time these were cleared away, and it appears that this is the law:—As to the pauper class, the Poor Law authorities have all the powers necessary for their provision and treatment. As to the non-pauper class (the artizans, small tradesmen, &c.), for these the sewer authority, or, in the metropolis, the nuisance authority, may provide hospitals for the reception of the sick, and temporarily supply them with medicines and medical attendance at their homes. All expenses incurred by the several authorities are to be paid out of the general district rates.

The powers given under the several Acts were used; small hospitals built or taken to, fitted and furnished. The necessary staffs engaged, cottages (as temporary places of refuge) taken, fitted and furnished.

(7.) A store for disinfecting articles of clothing by exposing them to a dry heat of 230 degrees, and a carriage for the conveyance of the sick, were provided.

The foregoing were the preparatory means; when the pestilence came the following was the mode of procedure:—The medical men in charge of cases gave early information to the health officer, the houses were quickly thereafter visited by inspectors specially charged with the duties; these were—to supply, and to see to the use of disinfectants in the house, to urge the removal of the sick to

hospital, and to superintend the removal.—To disinfect the house, after the removal of the inhabitants, by burning sulphur therein, and after the expiration of twenty-four hours to see to the removal of all clothing to the disinfecting stove.—To see to the washing of the walls of the house, so as to remove all paper hangings, &c., down the original plastering; to see to the washing of all articles of furniture with carbolic acid soap; and especially to the destruction of all rags by fire. Printed directions were given to the occupants of all infected houses; in these the means of disinfection to be used by themselves, the admission of fresh air, the copious use of disinfectants (supplied by the authorities), the soaking of soiled clothing in water containing these disinfectants, and the addition thereof to all excretions, was briefly explained.

These succinctly stated were the means adopted in the cholera epidemic of 1866, that of typhus in 1868-69—and of relapsing fever in 1870-71. What were the results?

Mortality.—Cholera, which in 1849 had destroyed 1 out of 30 of the inhabitants, in 1866 claimed but 1 victim out of 391.

Typhus, which, before sanitary measures were put in force, destroyed annually twenty-three out of 10,000 of the people, was lessened in virulence after the supply of water, and while the main drainage was being done, to 8 per 10,000.

Relapsing fever was new to the profession in Merthyr. The average mortality of the cases was $2\frac{2}{10}$ per cent.

Duration.—The duration of the cholera epidemic, after the hospitals and places of refuge were fairly in operation, was but six weeks. The cases of typhus entirely ceased to be reported in two months after the first removals had taken place. Relapsing fever also yielded in the same space of time, and disappeared from the category of diseases.

In thus dealing with these several forms of pestilence, the diseases were fairly scotched during the first month, and by the end of the second not a case was to be found.

It will be well here to mention that these various sanitary measures have produced good fruit, not alone in diminishing the mortality from pestilent fevers, but in lessening the death-rate from all ailings.

Thus in the years before 1850 the death-rate was 36 in 1000. The mean of the last five years was 24. The proportional number of deaths of children under five years was 527; it has been reduced to 420 per 1000. The mortality from pulmonary consumption has fallen from 38 to 26 for 1000, while the mean average age at death has increased from $17\frac{1}{2}$ to $27\frac{1}{2}$ years.

The laws, even as they now stand, arm the health authorities with ample powers to prepare for the coming of pestilent fevers, to treat the sick when they suffer from them, and to use all known methods for the prevention of their diffusion. The passage of the measure, which the President of the Royal Sanitary Commission has brought in, will doubtless remove many doubts, and make the enactments more easily workable; but it must be borne in mind that the

laws now exist, and that it merely requires the hearty good will of the authorities to put them in operation, and thus both to prepare for the advent, and to treat pestilence when it comes.

In conclusion, I would strongly urge the inauguration of a system of registration of sickness. The fact that pestilent disease prevailed in the town of Tredegar for more than two years, and yet that no official information of its existence was published during the whole period, goes far to prove the great need of such a system.

I would more especially urge the compulsory registration of cases of small-pox, of typhus fever, and its congeners, and of cholera; and this because their spread can be limited by isolating the first cases. A well considered system of recording sicknesses would be the means of warning all authorities of the nearness of danger, and enable them to furbish and sharpen their sanitary armour.

Excremental Pollution a Cause of Disease, with hints as to Remedial Measures. *By* ANDREW FERGUS, M.D.

SANITARY science should never rest content till our towns have become as healthy as our rural districts; this at least should ever be the result aimed at. The question as to the causes of the unhealthiness of our towns is a very large one, and I intend merely to touch upon one of them, namely, how much of this unhealthiness is due to the way in which the excreta of the inhabitants are disposed of, also whether there can be any sanitary improvement in our modes of dealing with them.

We all know that some of our excretions are at our own disposal, and that some are not. If we trace the latter we shall find that they are at once utilized, and that thus the balance of nature is kept up. The carbonic acid continually given off by living beings is returned to the vegetable world whence it was originally derived, and in this way the correct rotation of nature is kept up. Certain of our other excretions are left to our own control, it is in the disposal of these we act contrary to nature, and have the most dire results. I believe that had the rotation of nature been followed in regard to them, and had these excretions been returned to the earth in a fresh state, or had they been prevented from decomposing, we should have had a very marked diminution in the mortality of our cities, and even an improved state of health in our villages and private houses.

I do not enter into minute details, but shall take a few leading diseases to illustrate the mischief that arises from excremental pollution. Dr. Benjamin Richardson, at the Sewage Conference at Leamington, gives a list of fifteen diseases that may be conveyed by sewage.* When we look back to the epidemics which prevailed

* DISEASES FROM THE ORGANIC POISONS.—The diseases which may be produced by the organic poisons are as follows:—Small-pox, measles, scarlet fever, diphtheria, typhus fever, typhoid fever, erysipelas, hospital fever, puerperal fever, cholera, yellow fever, ague, glanders, boil and carbuncle, infectious ophthalmia. This is a long list of diseases, amounting to fifteen in number, mainly traceable to the poisons which, as I have said, may pass from the sewage.

some centuries ago, we readily acknowledge that if they were not directly occasioned by the habits of the people they were much aggravated by them. If any of these re-appear there is no reason why it should not be attributed to the same cause. We congratulate ourselves on having, by our improved sanitary arrangements, got rid of such diseases as the plague, the sweating sickness, &c., but in the event of any long-latent epidemic reappearing, we shall do well to inquire whether our own habits are not in a great measure the responsible cause. Mr. Simon very pertinently asks why diphtheria, which scarcely had any place in history till it overrun Europe in the 16th century, and which, since that time, has again been but rarely mentioned, should for the last ten years have become an important disease in England.*

The answer is simply this—we have been careless as to the disposal of our excretions, and have been drinking water, or breathing air, contaminated by excretal matter, often in a state of decomposition. For details in proof of this, as regards diphtheria, I refer to the second report of the Medical Officer of the Privy Council, pages 167, 168, 171, 172; also to the eighth report, page 251.

Typhoid fever, killing from 15,000 to 18,000 every year, is another disease resulting from excremental pollution. I think I need not quote authorities to prove this, but I may refer you to the researches of all modern investigators of this disease, and especially to the reports of Mr. Simon, yearly prepared for the Privy Council. The origin of typhoid fever, from excremental pollution, is clearly proved in almost every volume of these valuable reports, either in the reports themselves, or in the appendices written by the various official inspectors.

In the last report, published a few weeks ago, I find that these inspectors had visited sixty-six places, but six must be deducted as double entries. In fifty, out of the sixty remaining cases, the occasion of the increased death-rate, which gave rise to the official inspection, was excremental pollution; in forty-nine of these the result was typhoid, and in sixteen scarlet fever, in the affected towns or districts. In most of these cases the water was befouled by excremental pollution, but as this as a source of disease is so well known, and has over and over again been so amply proved, I shall take it as granted, and dwell somewhat more in detail on another most fruitful source of typhoid fever, which is not so well known, and cannot be so easily guarded against.

A number of years ago I was able to trace several cases of typhoid fever to corroded soil pipes. At first I was very much puzzled as to the cause of this corrosion, but continued observation solved the difficulty.

I found that the perforations of the pipe were generally on its upper side, and therefore they could not be caused by the fluid passing through it. I also observed that the pipe most frequently

* Eighth Report, 1865, p. 37.

affected was that leading from the closet to the main descending soil pipe, and that, wherever there was a bend in the tube, the upper surface became perforated. I have also sometimes found these perforations in the sides of the pipe as well.

The question here arises, how is this destruction of good, well made lead pipes effected? If we consider what part of the pipe it is that is destroyed, and also consider the result of chemical analysis,* as well as the increased rapidity with which the destructive action takes place in pipes that are not ventilated, I think we are justified in coming to the conclusion that the destructive element is sewer gas.

If you will look carefully at the specimens, you will observe that the destructive action is from the inside. You will perceive that in some places the pipes are more or less eaten into, even where the action has not gone the length of complete perforation.

Of course, the discovery of these pipes in houses has only been in cases where I have been called professionally, and where the diseases were of such a type as we know can be produced by the inhalation of the results of decomposing excreta. (I may mention that as soon as the pipes have been removed, disease has ceased; notably so in an institution where, nearly three years ago, an outbreak of typhoid fever disappeared, and has not returned since the soil pipes were removed.)

The diseases I have observed, resulting from this condition of pipes, are typhoid fever, diphtheria, &c., &c., but in one or two cases I have had to remove families, all of whom were suffering from ill health from this poison, without exhibiting symptoms of any well defined disease.

In towns where w.c.'s have been extensively introduced, lead is generally used as the material of soil pipes, and as I now show you that these are liable to become imperfect, it is a very important sanitary question to inquire how long lead will last, in other words, what is the duration of a good lead soil pipe.

I have been attending to this matter for several years, and it is now more than four since I first publicly exhibited pipes like these; still I would not wish to speak dogmatically on the subject, as I think it requires further investigation. If I am correct in supposing that the destruction of the pipes is the result of gases, then the rapidity of the process will vary in different localities, as the sewage may be stronger or weaker, or passing more or less quickly into a state of decomposition. My researches, so far as they have yet proceeded, indicate, (1st) that where there is no ventilation, by the

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* Analysis of whitish-brown powder from the interior of the perforated pipes.

Carbonate of lead	86·00 ...	91·00 ...	92·00
Carbonate of lime...	2·50 ...	2·10 ...	2·90
Water	1·20 ...	1·00 ...	0·50
Lead insoluble as oxide	3·50 ...	1·50 ...	1·45
Silica	2·80 ...	1·00 ...	1·60
Organic matter	4·00 ...	3·40 ...	0·65

main descending soil pipe being closed at the top, not allowing the gases to escape, a lead pipe may in ten years become a source of disease, and possibly even earlier, if the sewers are faulty, promoting rapid decomposition of the excreta. If the sewers are good, well made, with a rapid flow of sewage, a non-ventilated pipe may last fifteen years.

When there is ventilation, the soil pipe being open at the top, and also acting as the rain water pipe, lead will last for twenty, thirty, or even more years. The practical conclusion to be drawn from this, in water-closet towns, is that where there is no ventilation you are not safe unless your soil pipes and connexions are renewed every ten to fifteen years, or every twenty to twenty-five where ventilation exists. Allow me to remark that we cannot trust the plumber to find out this condition of the pipes; they will probably only look for liquid leakage, and if they do not find it, they pronounce the pipes to be all right, and say that the smell we complain of must be caused by gas, dead rats, &c., &c.

In the most recent cases of disease (typhoid) from this cause which has come under my own notice, when I inquired as to the state of the drains, the lady of the house assured me that all was right as the w.c. had been renewed two months ago. Next day, however, perceiving an unpleasant smell, I requested that the plumber should examine the pipe from the closet to the soil pipe, as I was sure it must be perforated. I now exhibit the result. A year ago I was told that this state of pipes must be peculiar to Glasgow, and was in all probability occasioned by the refuse of chemical works passed into the sewers. Since then I have inquired into the state of several w.c. towns, and find in them all the same condition of pipes. I show you a specimen from Edinburgh where there are no chemical works. Should the cholera contagium get into the drains, we should have fearful havoc, wherever this defective state of soil pipes existed.*

Another group of diseases arising from excremental pollution, are the diarrhœal, including cholera. I need not, I think, insist that this last disease is the direct consequence of taking into our system the results of excremental pollution. Instead of going into any proof of my own as to this, I shall quote from the admirable and vigorous language of Mr. Simon. In the eighth report, p. 39, he thus writes—

"When cholera is epidemic in any place, persons who are suffering from the epidemic influence, though, perhaps, with only the slightest degree of diarrhœa, may, if they migrate, be the means of conveying to other places an infection of indefinite severity; that the quality

* As the investigation of the causation of disease is carried out, I believe that the list already given of those diseases produced or conveyed by sewage will be increased. In two cases of phthisis, in people long past middle life, I could not attribute the disease to any other cause. The family history was good, the mode of living correct, and the general health satisfactory, up to the time of the soil pipes becoming corroded.

of infectiveness belongs particularly, if not exclusively, to the matters which the patient discharges, by purging and vomiting, from his intestinal canal; that these matters are comparatively non-infective at the moment when they are discharged, but subsequently, while undergoing decomposition, acquire their maximum of infective power; that cholerine discharges, if cast away without previous disinfection, impart their own infective quality to the excremental matters with which they mingle, in drains or cesspools, or wherever else they flow or soak, and to the effluvia which those matters evolve; that if the cholera contagium, by leakage or soakage from drains or cesspools, or otherwise, gets access, even in small quantity, to wells, or other sources of drinking water, it infects in the most dangerous manner very large volumes of the fluid; that in the above-described ways, even a single patient with slight choleraic diarrhœa may exert a powerful infective influence on masses of population among whom, perhaps, his presence is unsuspected; that things, such as bedding and clothing, which have been imbued with choleraic discharges, and not afterwards fully disinfected, may long retain their infectious properties, and be the means of exciting choleraic outbreaks wherever they are sent for washing or other purposes."

Again, in ninth report, pp. 33 and 34, Mr. Simon thus powerfully writes:—"It cannot be too distinctly understood that the person who contracts cholera in this country is *ipso facto* demonstrated with almost absolute certainty to have been exposed to excremental pollution; that what gave him cholera was (mediately or immediately) cholera-contagium discharged from another's bowels; that, in short, the diffusion of cholera among us depends entirely upon the numberless filthy facilities which are let exist, and specially in our larger towns, for the fouling of earth, and air, and water, and thus secondarily for the infection of man, with whatever contagium may be contained in the miscellaneous outflowings of the population. Excrement-sodden earth, excrement-reeking air, excrement-tainted water; these are, for us, the causes of cholera. That they respectively act only in so far as the excrement is cholera-excrement, and that cholera-excrement again only acts in so far as it contains certain microscopical fungi, may be the truest of all propositions; but whatever be their abstract truth, their separate application is impossible. Nowhere out of Laputa could there be serious thought of differentiating excremental performances into groups of diarrhœal and healthy, or of using the highest powers of the microscope to identify the cylindro-tænium for extermination. It is excrement indiscriminately which must be kept from fouling us with its decay.

"The local conditions of safety are above all these two. (1.) That by appropriate structural works, all the excremental produce of the population shall be so promptly and so thoroughly removed, that the inhabited place in its air and soil shall be absolutely without facial impurities, and (2.) that the water supply of the population shall be derived from such sources, and conveyed in such channels, that its contamination by excrement is impossible." . . . . .

"It is to be hoped that, as the education of the country advances, this sort of thing will come to an end, that so much preventable death will not be always accepted as a fate; that for a population to be thus poisoned by its own excrement will some day be deemed ignominious and intolerable."

As regards diarrhœa, Dr. Greenhow reports, and Mr. Simon endorses his opinion, that the deaths from this cause vary from 400 to 663 in every 100,000 of the population.

He calculates that if the diarrhœal death-rate could be restricted in the whole of England to ten times the minimum death-rate, (namely, four) there would be a saving of 20,000 lives annually, and there would be a great reduction in the deaths from typhoid fever also. Both Mr. Simon and Dr. Greenhow are of opinion that the excess of mortality from these diseases has in all places been coincident with one or other of two definite local circumstances, (*a*) the tainting of the atmosphere with the products of organic decomposition, especially of human excrement—or, (*b*) the habitual drinking of impure water.

Before turning our attention to remedial measures, allow me to remark that water carriage was adopted in ignorance of the results that would flow from it. It was known that water oxidizes excreta, and it was supposed that we had nothing more to do than merely to pass these matters into streams to be rid of them—the result has simply proved that no river in the kingdom can oxidize the excreta of the towns on its banks. We have had our rivers rendered gigantic cesspools, and though many schemes have been proposed for the treatment of sewage, most of them have failed when brought to the touchstone of scientific research.

It is singular that so few plans have been devised to keep excreta out of the sewers, *i.e.* to have no sewage at all.

The plan of sewage irrigation has many advocates, and therefore I shall offer a few remarks upon it—for though it would in some degree utilize the sewage, it would not in the least improve the sanitary condition of w.c. towns. Its advocates assert that it will carry the excreta fresh to the soil, in refutation of which I shall simply advert to the case of Croydon.

I do so, (1st.) Because it is a very perfect specimen of sewage works carefully carried out under the most favourable circumstances. (2nd.) Because the advocates of sewage irrigation insist that the excreta ought to be carried fresh to the soil. (3rd.) Because the engineer tells us that the time from the closet, through the drains, through the draining beds—out again into the river—varies from a minimum of four to a maximum of six hours. If this is correct, it follows that at Croydon there should be no gas, it being a well-known fact that excreta takes at least twenty-four hours to decompose and give off gas.*

* I wish it to be understood that I do not speak as to the present state of Croydon—I am dealing with a much larger subject—and merely quote Croydon as an illustration in point. I make this remark because when I used it on a former

At Croydon, then, there should be no need of ventilation in the sewers, yet Dr. Carpenter, who highly approves of the system pursued there, tells us that from some mal-arrangement of the pipes in his house, sewage gas passed into his house with a force resembling the escape of steam, and produced typhoid fever.

From this it is evident (1st) that the excreta are not passed on fresh to the land; (2nd) that it must take much longer than the theoretical time to pass from the closet through the pipes and over the meadows. I suppose the mistake may have in part originated in supposing that sewage matter will flow as rapidly through pipes as pure water, but if you have sewer gases at Croydon, with its recently and admirably constructed sewers, and their favourable fall, what will you have if you attempt sewage irrigation in towns, less favourably situated, where the drains are not nearly so well constructed, far more numerous and complicated, and where you might find it necessary to pump the sewage.

The most favourable circumstances for the decomposition of excreta are narrow spaces, with a limited supply of air and water; and if we would bring to the surface the whole network of the sewers of a large town we should find a very perfect laboratory for the production of sewer gas. These sewers often include old, irregular water-courses arched over, drains of larger and smaller dimensions, some round, some egg-shaped, and some square, I have no doubt still exist. At the bottom of most of these is a bed of black, thick, tenacious mud, and flowing over it a sluggish stream of various degrees of impurity, but slowly, silently, and continually giving off deadly gases. Sinking the sewers to their native and unsightly bed, let us look at the manner in which they are connected with our houses, by water-closets more or less perfect, and more or less out of repair, some of them being merely a tube passing into the drains without any pretence of a pan. We have also sinks and fixed basins in rooms, sometimes within a few feet of the bed. We are told to trap and ventilate the sewers, but by doing so in one place we only leave more gas to escape in another, indeed, it is but excluding a poisonous gas from our own house, which will find its way into our neighbour's, who may possibly not be so well protected from it. Sewer ventilation is not easy, and is very costly. Mr. Bazelgette estimates that to ventilate the sewers of London will cost 460,000*l.*, and for fuel per annum 201,480*l.*, exclusive of labour. Flushing with water would cost 381,250*l.*

Supposing that you have trapped your sewers, and carried a ventilating pipe to the roof, you have not destroyed the poison, but merely diluted it, and the contaminated atmosphere cannot but exercise an injurious effect more or less on the surrounding inhabitants. To show how slight a contamination of air will produce disease, allow me to mention a case that came under my own observation a few weeks ago. In a healthy rural district a youth was

occasion I was misunderstood, and told that because Croydon is healthy now I had no right to refer to it.

fishing for trout, and caught two. Exactly fourteen days afterwards (period of incubation) he was attacked by typhoid fever. His father, a highly intelligent and observant medical man, then recollected that close to the spot where his son had been fishing a sewer entered the stream, therefore, although the sewage was not strong enough to kill the trout, the air was so tainted that its inhalation produced typhoid fever. I am myself a believer in the germ theory of disease, but without asking you to go this length with me, I ask you if I have not proved that certain diseases are produced by taking into our systems the result of the decomposition of excreta, and that several diseases may be produced by sewage. In these circumstances what ought we to do? If we had an epidemic of cholera, I have no doubt that every intelligent officer of health would at once direct that the stools of all patients should be disinfected, but probably before this order could be carried out the mischief would have been done. Let us educate the people to this beforehand, and we shall at the same time get quit of the risk of causing or conveying other diseases.

I hold that the only true sanitary solution of our difficulty is to provide that there shall be no decomposition of excreta, that the sewers shall be for the rains, and that all excreta shall be disinfected, the progress of our knowledge of what we call antiseptic chemistry rendering this less and less difficult.

We may, then, sum up as follows :—

(1.) No excreta shall be allowed to get into our sewers, water-courses, or rivers.

(2.) That all such excreta be submitted to chemical or other action, by which they shall be rendered non-putrescible.

(3.) That all refuse from manufactories containing organic nitrogen and carbon (putrescible matter) shall be kept out of our sewers, water-courses, and rivers.

As regards this last particular we would require an Act of Parliament to prevent manufacturers passing organic refuse into the sewers. A profitable return might probably be the result. Mr. Smith tells me, that from one work 500,000 gallons a week are passed into the sewers, each ton of which is worth 3*s.* 6*d.* As regards the 1st and 2nd particulars I may remark that my own individual opinion inclines in favour of the dry system, but provision must be made for those towns in which water-closets are already established, and where the inhabitants would be unwilling to part with them. I would propose that they should adopt the apparatus of Mr. Hoey, a model of which is here exhibited.

The principle of it is that the flush pipe shall be fed from a limited cistern containing one-fifth of a gallon, and that when the pan is discharged, a quantity of sulphuric acid, common salt, or some other antiseptic shall be discharged with it.

The whole matter must be passed into a tank or reservoir under ground, from which it will be removed by atmospheric pressure.

The advantages of the system are obvious ; (1st.) It leaves the w.c.'s as they are, and saves an enormous amount of water. (2nd.)

As the added antiseptic will prevent the fecal matter from putrefying, there need be no fear of sewer gas getting into our houses, or fecal percolation through the soil into our wells, and we would cease to suffer from the diseases produced by these causes. (3rd.) It is not expensive, and can be as easily worked as the ordinary water-closet. (4th.) The collected matter, after the evaporation of the water, would be a valuable manure.

As an experiment I had a closet of this description fitted up in my own house about two years ago—I find that it works admirably, being quite as clean and well flushed as two other closets where the supply of water is unlimited.

Of the dry systems, you are all acquainted with Mr. Moule's earth-closet. A grand improvement on it is Mr. Stanford's carbon-closet, but as a paper is to be read on it I shall reserve my remarks, merely observing that in every respect it meets the requirements of sanitary science.

As I have already exceeded the time allowed for voluntary papers, I must not enter on the consideration of the other diseases produced or conveyed by sewage. I merely append a table of deaths from zymotic diseases, most of which may pass from sewage.

TABLE showing the NUMBER of DEATHS in England from certain ZYMOTIC DISEASES in each year for which the record has been made from 1838 to 1868.

Years.	Scarlatina.	Diphtheria.	Measles.	Hooping Cough.	Small-pox.	Fever.	Diarrhœa, Dysentery & Cholera.	Total.
1838	5,802	—	6,514	9,107	16,268	18,775	3,440	59,906
1839	10,325	—	10,937	8,165	9,131	15,666	3,493	57,717
1840	19,816	—	9,326	6,132	10,434	17,177	4,799	67,684
1841	14,161	—	6,894	8,099	6,368	14,846	4,198	54,566
1842	12,807	—	8,742	8,091	2,715	16,201	7,622	56,178
1847	14,697	—	8,690	9,260	4,227	30,994	15,630	83,498
1848	20,502	—	6,867	6,862	6,903	22,037	15,604	78,775
1849	13,111	—	5,464	9,615	4,645	18,347	74,155	125,337
1850	13,370	—	7,080	7,770	4,666	15,375	14.400	62,661
1851	13,594	40	9,370	7,905	6,997	17,930	18,045	73,881
1852	18,813	74	5,846	8,022	7,320	18,641	21,754	80,470
1853	15,653	46	4,895	11,200	3,151	18,554	20,502	74,001
1854	18,325	203	9,277	9,770	2,808	18,893	42,092	101,368
1855	17,128	186	7,354	10,185	2,525	16,470	15,044	68,892
1856	13,931	229	7,124	9,225	2,277	16,182	15,912	64,880
1857	13,919	310	5,969	10,138	3,936	19,016	24,037	77,325
1858	25,481	4,836	9,271	11,648	6,460	17,883	16,004	91,583
1859	19,907	9,587	9,548	8,976	3,848	15,877	20,597	88,340
1860	9,681	5,212	9,557	8,555	2,749	13,012	11,185	59,951
1861	9,077	4,517	9,055	12,309	1,320	15,440	20,999	72,717
1862	14,834	4,903	9,800	12,272	1,628	18,721	12,667	74,825
1863	30,475	6,507	11,349	11,275	5,964	18,017	16,801	100,388
1864	29,700	5,464	8,323	8,570	7,684	20,106	18,366	98,213
1865	17,700	4,145	8,562	8,647	6,411	23,034	25,894	94,393
1866	11,685	3,000	10,940	15,764	3,029	21,104	32,644	98,166
1867	12,300	2,600	6,588	11,873	2,513	16,862	21,735	74,471
1868	21,912	3,013	11,630	9,223	2,052	19,701	32,427	99,958

THE SANITARY LAWS.*

DR. A. P. STEWART presented the "Report of the Joint Committee of the British Medical and Social Science Associations on the report of the Royal Sanitary Commission."† Special features of the report by the Commission, of which there was a cordial approval, were first alluded to, and then certain primary defects in the method and scope of inquiry, and certain errors of conclusion, were commented upon. Various subjects were mentioned on which local inquiry ought to have been made, and it was alleged that the written answers to schedules were not sufficient. The report then went on to say that whatever may be the nature of the district, or the extent and population of area, which, on mature deliberation, shall appear to be the most desirable for purposes of local sanitary administration—and admitting that, outside of the larger towns, the Poor Law union or registration district may possibly offer superior advantages for this object,—there appears no good reason why all the districts and authorities included within that area should not be combined under a single board of management for sanitary administration. It is extremely important that the two or more governing bodies within that larger area should be united at the very least intermediately, by representation, for the purposes of the proposed Act. Intermediate authorities, consisting of members not liable to be swayed by petty interests and sordid views, would be essential on social, sanitary, and economical grounds, for the higher purposes of sanitary administration. This required either that the powers of the magistracy (an existing authority) should be extended so as to comprehend the care of the public health, or that boards, representing the magistracy and ratepayers in due proportion, should be constituted for the direction and control of local sanitary administration. The magistrates would, of course, continue to sit as *ex officio* members of the board in "rural" districts. It is no less reasonable and desirable that, if the divisions of "urban" and "rural" are to be maintained, they should take the same position on the future boards for the sanitary management of urban districts. The constitution, mode of election, and duties of local boards, whether for urban, suburban, or rural districts, should be uniform throughout the provinces of England. The treatment of the subject of the compulsory acquirement of land by local authorities for certain purposes essential to the improvement of the public health by the Commission appears neither complete nor satisfactory. No general principles have been laid down as to the extent to which these powers should be granted; nor has the question been solved as to the mode of their purchase, in order, on the one hand, to protect the rights of owners so far as such protection may be consistent with the public safety; and, on the other hand, to save ratepayers from the great uncertainty and expense attending

* See *Transactions*, 1869, p. 66; 1870, p. 404.

† Copies of this Report may be had at the Offices of the Associations.

transactions of this nature under the present law. In what manner and on what conditions local authorities, whether those of large towns or those which might act over larger areas, should be empowered to provide sites for dwellings of labourers and artizans where densely populated parts of towns have been or may be demolished for purposes of public health—whether such authorities should be empowered to acquire land for burial-grounds, and mortuaries, for hospitals for fevers and other pestilences, for disinfecting establishments, for public slaughter houses, for recreation grounds, as well as for water-supply and for sewage utilization,—these and other like questions require the most careful consideration, and are as yet left unanswered by the Commission. Not only should local impatience of interference be considered and obviated by constitutional means, but a suitable authority, intermediate between the local and central, should be constituted in every county or sufficiently large area, as likely to be more cognisant of the wants and circumstances of every smaller district, and better able to judge of minute details inseparable from the daily working of local boards, than a government inspector. The last important reason adduced for wider administrative areas is that they would supply a superior machinery for the appointment of scientific officers, whether medical or engineering, of high and special qualifications. Too limited a view is taken by the Commission of the duties of the medical officer of health, and it was contended that the number of district Poor Law medical officers is overstated by the Commission. A number of defects in the deliberation and conclusions of the Commission on this subject of medical officers were instanced. The report of the Commission omits to recommend the enactment of any special and stringent regulations for the suppression of infectious diseases. If this destructive class of diseases is to be effectively encountered, some more complete and decisive enactments are required. Unless the regulations imposed are such as will meet epidemics at their first outbreak, so as to crush them in the bud, it will be found as it has been, almost impossible to stay their course at any subsequent period. While the Committee perceived with satisfaction that the Commission recommends the registration of sickness, they doubt whether the method thereof should be wholly left, as proposed, to the Registrar-General, without insisting upon the necessity of considering in the first place the sanitary needs of the localities from which the returns are collected, and in which they ought to be promptly applied to local sanitary action. It is in regard to this function that a skilled and comparatively independent officer of health becomes indispensable; and the question yet to be solved is, what should be the maximum and minimum extent of area and population over which a chief health officer could most efficiently and economically act. The proposal to make the medical officer of the workhouse the official medium for collecting and transmitting returns of sickness is unsupported by reason or argument. A proper machinery for the local revision of mortuary and sickness returns, by a skilled and independent officer, would be provided by vesting

the appointment of the chief health officers debarred from private practice, in intermediate authorities ; and to county justices, it may be observed, the Legislature has committed the appointment of public analysts. The Committee propose that the right of separate appointment by municipalities of chief health officers should be limited to large cities and towns, the authorities of which might be willing (as in Liverpool) to render their health adviser independent of private practice by a salary which shall, in the judgment of the central authority, suffice to secure the devotion of his entire time and thought to his public duties. All other towns would enjoy the advantage of superintendence by an officer of the same high class, appointed by a county or other intermediate authority. The system should be uniform throughout the country. While heartily approving of the proposal that " medical officers of health should be appointed subject to the veto, and should not be removed without the sanction of the central authority," to compel all local boards to appoint their own officers, even subject to the above conditions, would be to force into action motives of personal interest and prejudice, of local favouritism, and of political party ascendancy. In the absence of an officer specially appointed for the purpose, the Poor Law medical officer may be authorized to act, and be suitably remunerated for acting as an assistant or deputy health officer. A fundamental reform in the administration of Poor Law medical relief would be essential to the well-working of medico-sanitary organization, and to a proper registration of sickness. No medical officer should be appointed under the age of twenty-three years, and a special examination in certain matters of preventive and legal medicine be required after a future date, to be named in the new sanitary law, of all medical candidates for office of that age. Without a body of superior health officers, either many necessary duties of superintendence and inspection (hardly noticed in the report of the Commission) must remain unperformed, or an equally numerous body of district inspectors, under the central authority, must be appointed to execute them, at a great national cost. What seems the fatal objection to the scheme of sanitary administration proposed by the Commission is that it presupposes the frequent intervention of the central authority and its officials, not only in the great movements of the sanitary system, but in many minute local details. It is to be worked—or at least regulated—from the centre, by inspectors who, not necessarily residing in the districts which they superintend, cannot know more of local circumstances and peculiarities than they can glean during brief and hasty visits. This mode of administration has the threefold disadvantage of being costly, of being inefficient, and of keeping the country in a state of perpetual tutelage. If, on the other hand, the inspectors, or rather chief officers of health, highly trained in all the departments of public medicine, were resident in their districts, each one of them would be a centre of instruction whence sound and enlightened views on all sanitary matters would emanate, so as gradually to enlighten the public mind, stimulate

local action, and reduce to a minimum the need of interference by the central authority. The Commission, however, would make that the exception which the Committee maintain ought to be the rule, and appear to be so scrupulous of permitting any competition by "men of higher attainments and qualifications" as actually to recommend that "such exceptional arrangements should be made under the direct sanction of the Public Health Minister." Should these views unhappily be adopted, the Committee have before them the dreary prospect of a dead level of official respectability and routine, under the patronage and protection of the central authority. With respect to the proposed central authority, they thoroughly appreciate the importance of providing that every existing department, including several under the Home Office, the Privy Council, the Board of Trade, and the Poor Law Board, besides the General Registrar Office, the Lunacy Commissioners, and the General Medical Council, should be severally and individually represented in a Supreme Council of Health, to be presided over by the one minister. The report concludes by repeating the desire for a careful personal inquiry in the various localities throughout the country, before legislating permanently on the details of sanitary administration.

In the discussion on the report Mr. Hastings moved :—

"That this department approves generally of the report of the joint committee on the report of the Royal Sanitary Commission, to which, for its valuable labours, much gratitude is due; reaffirms the principles embodied in the resolutions adopted at the Birmingham Congress, in 1868; and expresses its regret that several of the leading recommendations of the Royal Commission are at variance with those principles by which, in the opinion of this department, the council and joint committee should be guided in any representation they may address to Her Majesty's Government and the Imperial Parliament."

Mr. Chadwick, C.B., seconded the resolution, which was adopted unanimously.

Mr. JOHN LASCELLES, Barrister-at-Law, read a paper "On Sanitary Law Reform." The writer said it is certain that any Bill on this subject which is at all likely to be passed by Parliament and accepted by the country, must take care that its provisions shall be administered by local elective bodies acting under the superintendence of a central authority. Our attention should, therefore, be directed to the means by which the faults to which local authorities are known to be liable may best be guarded against, and by which the known defects of such administrative machinery may best be counteracted. The supervising authority and its powers are cardinal points in Sanitary Law Reform. The supervision by the central authority may be either direct or indirect. It may either be brought into immediate contact with all the local sanitary authorities in the country, or it may supervise county boards which are themselves the supervisors

of the local authorities. Indirect supervision of the local authorities is open to many objections. It would be bad in principle to charge elective authorities with the supervision of other elective authorities of similar constitution to themselves; to charge amateur administrators with the supervision of other amateur administrators. Moreover, the supervision of county boards would be intermittent, for they would only meet about eight times a year. They would not have sufficient information and experience to enable them to command the respect of the authorities supervised by them. Their members would not stay at the place of meeting long enough, or work hard enough, to make their supervision effective. They would not be able to command the services of the highly trained men by whom local inquiries can alone be satisfactorily conducted, and they would be constantly liable to be deceived by their members, who would volunteer to give them information respecting the localities whence they came. If the work of supervision is to be done effectively, the central authority must be brought into direct contact with all the local authorities. Its supervision will be constant. It will be in possession of reliable information, collected by its skilled inspectors, and it will be able to compare the results of the experience of all the local authorities in the country. Vast stores of information and generalized knowledge will thus be accumulated, which, with direct central supervision, will be available at any moment for the guidance of any local authorities requiring such assistance. The local authorities cannot be effectively supervised, however, from one central office in London. Both they and the people at large must realize the presence of the supervising authority. Persons having reason to complain of the defaults of local authorities must know where to make their complaints, and the supervising authority must be able to institute local inquiries with promptitude and facility. District offices of the central authority should, therefore, be established in different parts of the country, and each should be presided over by a responsible officer, who should have under him a large enough staff of inspectors, clerks, &c., to enable him to effectively supervise his district. An office of this kind, located at Leeds, would no doubt be sufficient for the supervision of the six northern counties, and the whole country should be divided into districts of about the same extent, which should be supervised in a similar way. In addition to being accessible to the people, the supervising authority must have sufficient power to enable it to oblige the local authorities to discharge their duties satisfactorily. We must take care that there shall be some uniformity of action on the part of our local authorities. We must provide the means by which the efficiency and uniformity of action of central administration can be, to some extent, combined with the advantages of local self-government. We must not allow it to be possible for our sanitary laws to be well administered in one district, while they are so badly administered in a neighbouring district, that the authority charged with their administration injures the people

within its jurisdiction, and sets a bad example to all the local authorities in its vicinity. It should, therefore, be a general principle of our public health and local government legislation that whatever local authorities have power to do they must do, if ordered by the central authority to exercise their power. The central authority should also be allowed to make general orders, requiring certain things, required to be done by local authorities, to be done subject to its approval. There are many things of minor importance which each local authority might be allowed to do in its own way. Hospitals and disinfecting apparatus, works for the supply of water, extensive drainage works, and other works of magnitude, should, however, be required to be executed subject to the approval of the central authority. It is possible that some local authorities would stubbornly refuse to discharge their duties, and would treat the orders and remonstrances of the supervising authority with contempt if they could do so with impunity. The Government Public Health and Local Government Bill will no doubt provide that if such authorities neglect to execute works which they ought to execute, the central authority shall have power to execute them itself and to charge the cost to the defaulters. It is very undesirable that the central authority should be obliged to exercise this power often. It is not difficult to see, however, that in some cases it might pay local authorities to wait for the central authority to do their work for them, if the only penalty for doing so were being charged with the cost of it. Moreover, the members of some of them might be tempted to hang back and allow the central authority to execute expensive works for them in order that they might stand well with parsimonious constituents. In order to prevent this, every local authority which, after due notice to execute works itself, makes default and obliges the central authority to execute them for it should be liable to a heavy fine. These fines should be payable out of the rates. It would then be to the interest both of the members of local authorities and their constituents in order that defaults should be avoided. The effective working of the Public Health and Local Government Act which will shortly be passed will depend very much upon the powers and position of the officers of health who will be appointed under it. Having referred to the qualifications, duties, and appointment of medical officers under Sir Charles Adderley's Bill, and stated a number of objections to the 58th section of it, the author proceeded to say that some very comprehensive provisions should be made for preventing the spread of infectious diseases. Such diseases are a source of danger to all persons in their vicinity, and the public have a right to require that the precautions necessary to reduce this danger to a minimum shall be taken by the persons in charge of those who are affected with them. Moreover, they have a right to take means to satisfy themselves that such precautions are duly taken in all cases. All cases of fever or any other infectious disease should therefore be speedily brought under the notice of the local sanitary authorities having jurisdiction over the areas in

which they occur. In order that this may be done, medical men attending such cases should be bound to give immediate notice thereof to such local authorities. They should also be obliged to declare their infectious character to the persons in charge of the houses in which they occur, in order that some precautions may be taken at once to prevent them from spreading. Where no medical man is in attendance, such persons in charge should themselves give the required notice to the local authorities. Every local authority receiving such a notice should immediately send printed directions as to the disinfection of clothing, &c., and as to precautions which should be taken to prevent the spread of infectious diseases to the person in charge of the house where the infectious disease is. These directions should be drawn up and printed by the central authority, and each local authority should keep a stock of them ready for immediate use. At intervals of not more than ten days, counting from the receipt of these directions, such person in charge should be bound to send to such local authority the certificate of a medical man that they had been duly acted upon. And he should be bound to do this until he send the certificate of a medical man that no person in the house under his charge is ill of fever or any other infectious disease, and that those parts of it requiring disinfection, and the bedding and clothing used by the person who was sick have been thoroughly cleansed and disinfected. Medical men neglecting to give notice and declare, as mentioned above, or giving false certificates, and persons in charge of houses having cases of fever or other infectious diseases in them, neglecting to give the required notice when no medical man is in attendance, or wilfully neglecting to act upon the directions sent them, should be liable to be fined. Moreover, all persons neglecting to do so should be liable to have their houses entered by the local authorities, who should have power to do the disinfecting themselves, and to charge the defaulters with the cost of it. The periodical sending of the certificates mentioned above appears to be the only way in which the local authorities can be saved the expense, and persons who have infectious diseases in their houses, the annoyance of domiciliary visits. These certificates will generally be given by the medical man in regular attendance. Persons who are disposed to act as they ought to act will therefore be put to very little trouble or expense in obtaining and forwarding them to the local authorities. Those who are careless will be obliged to take proper precautions for the protection of others, and the whole country will be benefited if the provisions which have been described be put in force. The people will be protected from infectious diseases, and medical science will be advanced by the valuable information which will be obtained by making use of the facilities which will be afforded for a reliable registration of infectious diseases in private practice Local officers of health should have nothing to hope or to fear from the local authorities, and should be appointed by the central authority, and paid by the local authorities, according to a fixed scale, determined by calculations based upon area and population.

On a Progressive Physical Degeneracy of Race in the Town Populations of Great Britain. By Henry W. Rumsey, M.D.

IN the *Pall Mall Gazette*, about two months ago, appeared the following statement:—

"As a matter of fact there can be no question that from some cause or other the physical type in England has degenerated of late years. Broad chests and powerful limbs are no longer the rule among labourers and artizans, and every recruiting sergeant complains that the doctor rejects every year a larger proportion of the men examined by him, and even those admitted into the ranks are very inferior in bone and muscle to their older comrades."

In a month afterwards, "our own correspondent," in one of the leading London journals, when reporting the assemblage of troops for the autumn manœuvres, thus describes the arrival of the Militia at the Aldershot camp:—

"To-day there was a better opportunity of observing the general physique of the men. The youthfulness and want of bone and muscle was greater than I had thought. Many of them looked no more than sixteen or seventeen years of age, and were conspicuous for their narrow shoulders and shallow chests; their arms and knapsacks seemed quite as much as they could carry, and more than was good for them. After a careful examination one may justly state that the militia here do not represent the crack corps of our reserve, and must not by any means be taken as more than an average sample of the whole. How they will bear the fatigues before them remains to be seen; but though they will undoubtedly improve, their stragglers and sick list will be painfully apparent."*

Now, I take these merely as specimens of numerous statements which have appeared of late years, in general as well as in scientific periodicals, affirming a diminution in the physical strength and soundness of the men who enlist into the army, and especially into the militia.

It is difficult to extract any positive information from the Army Medical Reports, relative to the increase or decrease of the proportion of recruits who are rejected by the examining surgeons, whether civil or military, on account of physical incapacity or infirmity. But there are some facts which lead one to infer that, of late years, that proportion has increased.

To Dr. Beddoe, President of the Anthropological Society, the country is much indebted for original researches into the stature and bulk of men in these islands. His valuable memoir on the subject, and his recent paper read at the British Association, taken in connection with the Army Recruiting returns, seem to establish the inference that our countrymen are on the whole degenerating, and that the cause thereof is to be found chiefly in the

* *Standard*, Sept. 7, 1871.

increasing concentration of the working classes in towns, in the depressing circumstances of town life, and in the larger number of those engaged in indoor employments.

The same gentleman has lately favoured me with a *resumé*, by Dr. Gordon, C.B., of the Statistics of Recruiting for several periods. The per-centage of rejections during three periods is said to be as follows:—

For the first period, one of peace.

1835-7, in England	...	...	...	32·7
Scotland	...	...	...	35·9
Ireland	...	...	...	25·3

For the second period, during the Crimean and Indian Wars.

1854-9, in the whole kingdom	...	...		24·2

For the third, another period of peace.

1864-6, in the whole kingdom	...	...		38·7*

Now, comparing the third with the first of these periods, both times of peace, there appears to be a marked increase of rejections.

Of course the per-centage rejected depends very much on the urgency of the demand for soldiers, and Dr. Beddoe asserts from his own knowledge that many men were enlisted during the Crimean war who were not fit for a day's active service.

For the last two years, according to the Army Blue Books, there has again been a slight decrease in the number of rejections, but not sufficient to affect the conclusion that in thirty years the rejections have increased at least 6 per cent.

Although Dr. Gordon does not separate the Irish and Scotch rejections from the English, in the latter periods, it appears that fewer Irish and more Scotch are rejected than English. "But then the Scotch recruits are almost all townsmen; the peasantry do not enlist as they do in England."

Dr. Morgan, in an able paper on the Deterioration of Race in Great Cities, read at Sheffield in 1865, states on good authority, "that in some of the manufacturing districts, four out of every five, sent up by the sergeants for medical inspection, are rejected on the ground of physical disqualification."

I am not about to enter upon a debated question—namely, the degree of security to the army service, afforded by primary inspections made by civil surgeons as compared with those made by army surgeons. Mr. Ikin, of this town, read an excellent paper on the Examination of Recruits at Oxford in 1868; and he may be able to inform us, whether, in his opinion, the proportion of the population fit for military duty increases or decreases. On the whole I gather from his paper also, that rejections are on the increase.†

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* Dr. Parkes gives the rejections for the three years preceding the last-mentioned period as, 29·3, 40·1, and 44·1.

† The statistics of militia recruiting, if they could be obtained, would, I think, supply a more reliable test of the bodily vigour of the lower classes in different localities than those of the line.

To myself, as to Dr. Beddoe, this seems a most momentous question, involving the gravest consequences to our national safety.

"The late Franco-German war," he says, "has opened the minds of many to the necessity of investigating and confronting the facts of the alleged degeneracy, by once more demonstrating that victory marches with the armies of those whose physical (as well as moral) organization is superior."

Surrounded as the British Isles are by powerful, and not always scrupulous, military nations, our very existence, as a great and free people, may depend on the physical excellence of those who are to constitute our army of protection and defence.

It is hardly to the point to reply that the volunteer movement, and the greater encouragement of athletic sports, are vastly improving the physique of townspeople. I grant this as regards the upper and middle classes. But the defence of the country ought not to depend on a comparatively select body. If the masses of our labouring population are becoming, as I fear is the case, thoroughly debased in form, in muscular power, and in habits, it is not to be expected that the picked men of the country, the well-nurtured, vigorous, and energetic thousands of the well-to-do classes, should risk their lives, even in a defensive war, unaided by the millions of the lowest class.

What then are the principal influences at work to create a lower type of Englishmen?

They may, I think, be classed mainly under three heads—Food and Drink;—Labour and Employment;—Residence and Dwellings.

1. *Food.*—Whilst the rate of wages has, on the whole, greatly increased during the last thirty years, the price of provisions, at least in the south of England, has increased as largely. Bread is not cheaper than it was thirty years ago. The cost of wholesome meat has nearly doubled, and more diseased meat is sold to the poor. Vegetables are decidedly dearer and scarcer, and the proportion of the working classes, growing their own vegetables, is, I believe, on the decrease, in towns certainly.

Then, as to the use and preparation of food, the gross ignorance of domestic economy and of cookery among the poor is deplorable. As a greater number of women are employed in manufactures, their incapacity in this respect becomes more absolute and hopeless. This most important branch of female education is, as a rule, wholly neglected in elementary schools, nor do I perceive any signs of greater attention to the subject under the new school boards. That the masses, especially the infantile and growing population, suffer severely from this ignorance, cannot be doubted.*

Perhaps the most serious and destructive change in the nutrition of the poor is their almost total privation of milk. Infantile sickness and mortality depend largely on this want. Here, again, the occu-

* The principles of plain cookery might be practically and profitably taught if public kitchens were opened for the supply of nutritious, cheap, and well-prepared food to labourers and artizans.

pation of mothers in workshops deprives many thousands of infants of their natural food, breast milk. Cow's milk, in large towns, even diluted and adulterated as it is so largely, is hardly tasted by the very poor. Even in grazing rural districts, where cheese and butter are manufactured, milk is not to be had for the families of the labourers. The very buttermilk is wanted for the pigs. It is not too much to say that half of the children of this country are now reared without milk, and this fact of itself would be enough to account for a deterioration of race. No one who has examined Dr. Edward Smith's dietary reports can doubt that the physical superiority of the peasantry of Scotland, and of large tracts of our own northern counties, depends mainly on their diet of milk and oatmeal. For this wholesome and invigorating food, the substitutes throughout the greater part of England are impure sugar, swarming with *acari;* tea-leaves, first used by the Chinese, then dried with gum and all sorts of abominations; greasy and acescent slops; indigestible cheese; and sour, aluminous bread. Debased and improper food is not only a main cause of general debility, but it may account especially for the decay of teeth, which is, doubtless, advancing with our boasted civilization.

Yet certain political leaders and pseudo-economists would persuade us that the freedom of trade and adventure must not be interfered with, and that the unhappy victims, who are mostly the very poor, must learn to protect themselves against a host of active and clever falsifiers of food!

I shall say but little about intemperance in alcoholic and fermented liquors, because the prevalence of intoxication, its increase with that of pauperism, its debasing effects, mental and bodily, on its victims, are notorious facts.

Every physiologist knows that the effects of alcoholism on the nervous and circulatory systems are cumulative, and intensify as habits of intemperance are continued from generation to generation, the progeny of the drunken being generally more feeble, vicious, and liable to disease of mind and body than their parents.

Whilst we ought to support Mr. Dalrymple's laudable efforts to procure some preventive legislation against habitual drunkenness, I believe that the primary cause of the evil is to be found in the house accommodation of the poor (of which I am about to say more), and that until the dwelling-places of the working classes are reformed, intemperance cannot be effectively dealt with.

II. *Labour and Employment.*—The conditions of labour in the manufacturing districts are doubtless more favourable to health than they were half a century ago. The operation of the Factory Acts, which at first were denounced with the utmost vehemence by the same class of politicians as those who now oppose interference with fraudulent traders in food, has been most beneficial—especially for women and children—in diminishing the hours of labour, in improving the construction and ventilation of mills and work-places, in protecting the workers against the injurious effects of certain

processes, in fencing machinery, and in the half-time system of education.

But while, under these reforms, a generation has grown up less injured by the mighty Moloch of steam power, with fewer deformities and organic lesions, and somewhat longer lived, the total number of persons subject to the debilitating and enervating influence of indoor employment has enormously increased, and still increases year by year. While large numbers of the best of our population emigrate or colonize, the great town-populations are continually swelled by immigrants from the rural districts. Hence the process of deterioration in towns has been somewhat checked; but the pale, anæmic, and slender forms of the mill and factory workers still contrast painfully with the ruddy and sinewy, though ill-fed, children of agricultural labourers.

Dr. Morgan, of Manchester, in the paper before referred to, said that he had been much struck by the difference in physical development between the indigenous population of the town, and those who had migrated into it in adult life. He also observed that the deterioration was to some extent proportioned to the length of time during which his patients or their ancestors had been exposed to the lowering influence of a city life and indoor occupations.

Now that the main provisions of factory law are extended to workshops and nearly every kind of congregated labour, we may hope for a further and more general rescue of the younger and weaker portion of the working population from the depressing effects of ill-regulated employment.

With reference to the half-time system of education under the Factory Acts, I would just remark that it is incomplete, until military drill be made a condition of State support to elementary boys' schools.

III. The conditions of dwellings, in our great centres of commerce and manufacture, are, I believe, the most destructive of the influences now at work in producing a lower type of Englishmen.

I will not detain you by describing these conditions. They are well known to most of those who concern themselves with the subjects of this department. I will merely call attention to some important and reliable evidence as to the fearful change which those circumstances are effecting in our town populations.

(1.) Dr. Druitt, President of the Association of Medical Officers of Health in London, said before the Royal Sanitary Commission:—*

"There is a general lowering of health, a degradation, as it were, of the whole system and character from overcrowding." (8997.)

"Where many human beings are put together on an inadequate space of land, they can never get out of the odour of their own breath and of their own excretions." (9001.)

"There is a general deterioration of the stock, if I may so call it, of the human plant." (9009.)

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* Second Report, Vol. III., pp. 30-40.

"If I go into any crowded part of our parish, I meet children there whose bones are bent and whose foreheads are prominent, and who show all the signs of what is called rickets." (9010.)

"They may have mental precocity and sexual precocity. I have seen instances of that combined with the worst possible physical development." (9012.)

"I have seen a healthy father and mother, whom you would take as types, living in a confined room where they had to perform all the offices of nature, living and sleeping, and so on, together, and I have seen them produce children which were born apparently healthy, but which gradually withered and became ricketty and scrofulous; and, therefore, without underrating the influence of vice in the parents, I believe that overcrowding by itself will stunt the human race." (9151.)

(2.) In Dr. Morgan's description of patients among the lower classes of Manchester, he mentions the singular want of stamina which characterises them as a class.

Thus—"Instances in which the muscular system is fully developed or well strung are remarkably rare. Few are men of that calibre from which we might expect either vigorous and healthy offspring, or arduous and sustained labour. Cases of deformity, accompanied by actual distortion, are not uncommon, while minor physical defects, denoting constitutional ailments, are deplorably frequent."

Their weak, excitable, irregular, and rapid circulations, cold extremities, blanched lips, and colourless cheeks, indicated to Dr. Morgan the impoverished state of their blood. Their liability to neuralgia and involuntary convulsive movements, showed an enfeebled, nervous system.

"In others, again," he observes, "the teeth are no sooner developed than they begin to decay, enlarged glands protrude from the neck, the skin looks dry and parched, the hair scanty and withered."

(3.) One more witness shall be cited.

Professor Gairdner, the Medical Officer of Health for Glasgow, informed the Sanitary Commission that overcrowding, which is on the increase in that city, from the want of space for building (8202) "creates special diseases and demoralizes the population; and in the course of generations it completely overthrows the physique of the population. It is impossible to walk through the central streets of Glasgow without observing that you are in contact with a population awfully degraded both in its moral and its physical attributes." (8204.)

Describing the demoralization of the young in the over-peopled dwellings and streets of Glasgow, he said:—

"If I were to pitch upon one thing that is the cause of the epidemic disease, and physical and moral degradation in that population, I should say it was the system of house-construction, such as we have had for the last three or four generations in Glasgow." (8255.)

My conclusion from all this evidence, and from facts observed by my-

self, is, that comprehensive, yet cautious, measures are necessary for the improved house-accommodation of the working classes of our great towns over larger areas of habitation; that, as for the overcrowding of persons in a house, so also for the overcrowding of houses on a given area, there should be a limit to density of population fixed by law, at all events, in the building of dwelling-houses on fresh ground, as well as in rebuilding them on ground previously occupied; and that, for the success of such measures, the establishment of superior administrative authorities, with adequate powers, is as essential as it is for the execution of measures intended to prevent the adulteration and to secure the good quality of Food; or, again, for those which protect labour from abuses and unhealthy conditions known to sap the vigour of the race.

On the Diseases prevalent among Potters. *By* J. T. ARLIDGE, F.R.C.P., London; Physician to the North Staffordshire Infirmary, Stoke-on-Trent.

A VERY short acquaintance with the state of health of the inhabitants of the pottery district of North Staffordshire will show that, as in the case also of other seats of manufacture, it is far from satisfactory; and further, that this state of things is due pre-eminently to the prevalence of pulmonary diseases, including consumption. These facts have arrested official notice, and on two occasions a physician has been sent into the locality from the medical department of the Privy Council to investigate them. They were, moreover, influential in determining the inquiry made some years since in the district by the Childrens' Employment Commission, which ended in the extension of the Factory Acts to the manufacture of earthenware and china.

For very nearly ten years I have been resident within the district; and as physician to the large North Staffordshire infirmary, as well as a factory medical officer for a considerable section of the pottery towns, I have had very large opportunities of observing the diseases most rife among potters, and the conditions of labour and mode of life common among them.

Some of the results of my observation I now propose to state, based upon written records, prepared for the purpose of supplying statistical information on various points connected with the medical history of the population. The records I now use are derived from out-patient medical practice at the infirmary; for I consider that this practice best exhibits the popular maladies of a district. Only cases strictly coming within the scope of a physician's practice are included; but no cases of fever—continued or eruptive, and very few instances of acute disease are among the number catalogued. Further, all the patients were above ten years of age, and of the whole number of 800 only 40 were under fourteen. Very few were above fifty.

The whole 800 were engaged in one or other department of the pottery manufacture. Of these 463 were males and 337 females. It must not be gathered from these figures that male out-door patients preponderated in number. On the contrary, female applicants for medical relief constitute from two-thirds to three-fourths of the entire number of out-patients. There is nothing peculiar in this circumstance, for the experience of the out-door department of hospitals is similar.

In the following tables I have arranged the diseases most prevalent, and stated the rate per cent. of each of them.

TABLE I.

POTTERS—MALES.

Bronchitis	= 36·57
Phthisis	= 20· 9
Rheumatic affections	= 7·79
Stomach disorders	= 8·44
Lead-poisoning	= 8·00
Cerebro-spinal diseases	= 4·32
Cardiac diseases	= 2·81
Epilepsy	= 1·73

TABLE II.

POTTERS—FEMALES.

Bronchitis	= 7·14
Phthisis	= 16·96
Rheumatic affections	= 4·46
Stomach disorders...	= 19·64
Lead-poisoning	= 5·06
Cerebro-spinal diseases	= 2·97
Cardiac diseases	= 2·08
Epilepsy	= 4·46
Chorea	= 2·08
Hysteria	= 1·49
Anæmia, with debility, &c.	= 10·41
Uterine maladies	= 18·15

It will be asked to what extent are these maladies prevalent among potters compared with other artizans. I subjoin the two following tables in elucidation of this inquiry:—

TABLE III.

NON-POTTERS—MALES.

Bronchitis	= 18·00
Phthisis	= 13·00
Rheumatic affections	= 21·00
Stomach disorders	= 19·00
Lead-poisoning	= 0·00
Cerebro-spinal diseases	= 5·00
Cardiac diseases	= 6·00
Epilepsy	= 5·00

TABLE IV.

NON-POTTERS—FEMALES.

Bronchitis	= 16·00
Phthisis	= 11·00
Rheumatic affections	= 1·00
Stomach disorders	= 31·00
Lead-poisoning	= 0·00
Cerebro-spinal diseases	= 2·00
Cardiac diseases	= 3·00
Epilepsy	= 7·00
Hysteria	= 5·00
Anæmia, with debility, &c.	= 10·00
Uterine maladies	= 13·00
Chorea	= 1·00

I must here observe that these figures, for operatives not engaged in the manufacture of pottery, are derived from a much smaller number of cases, namely, from a total of 100 males and of 100 females respectively; consequently the per-centages calculated for the less common diseases cannot be taken as exact representations of the rate of prevalence, although sufficient to exhibit relative proportions. For instance, the table of non-potters—females—shows only 1 per cent. of cases of rheumatism; this we may take, as in some measure, only accidental in the 100 cases that happen to have been collected; in fact, I believe the average to be somewhat higher, although I can, at the same time, admit the resultant figure to be accurately indicative of the comparatively less frequency of rheumatic affections in women not engaged in the manufactories of pottery than in those occupied therein.

There are several facts deducible from the foregoing tables, whose significance cannot be doubted. Foremost among these is the excessive prevalence of bronchitis and pulmonary consumption. This circumstance also appears as vividly from an examination of the tables of mortality in the district. Thus, I have shown in my essay "On the Mortality of Stoke-upon-Trent, and its Causes," that the ratio of deaths to the entire mortality of that parish, arising from diseases of the respiratory organs, is 30·80 per cent., that of England at large being 27·20 per cent., and, excluding the deaths of children under ten years old, the per-centage reached 41·51.

So if we make a calculation from the figures in the tables presented of maladies treated among out-patients, we arrive at a closely similar ratio of the prevalence of diseases of the respiratory organs, namely, 37·39 per cent. A less ratio certainly to that of the mortality from the maladies in question among adults; but, at the same time, this is a circumstance easily accounted for by the fact that the sufferers were out-patients, required to attend at the infirmary, at a more or less considerable distance from their homes, and consequently they represented a class still possessing a moderate share of physical power, the more advanced and weaker individuals being

detained in their homes, or else within the wards as in-patients. In the essay referred to I included under the term "diseases of the respiratory organs" cases of death arising both from diseases of the lungs and from phthisis, on account of the difficulties and uncertainties of diagnosis. It will be convenient generally to pursue the same course in this paper. The so-called potter's bronchitis or potter's consumption is, in by far the larger number of cases, a true consumption, partaking of a tubercular character.

What, it may be now inquired, are the assignable causes of this prevalence of diseases of the respiratory organs within the pottery district? Something may be put down against the climate and soil of the locality. These are not congenial. The climate is damp, and the soil generally a retentive clay, a condition which has been shown to be associated with the production of phthisis. These unfavourable conditions are in turn aggravated by those of man's making, namely, those arising from the processes of manufacture, from unhealthy shops and habitations, from defective sewerage and drainage, and from improper diet and vicious habits. I cannot, on the present occasion, enter into an account of these several causes operating prejudicially on the health of the inhabitants, but may be allowed to refer to two papers I have written, in which they are partially discussed, the one in the *British and Foreign Medico-Chirurgical Review* for July, 1864, the other in the second number of the *Food Journal*, in 1870.

To return to the lessons deducible from the tables already presented, it becomes at once evident how much more rife are diseases of the respiratory organs among male potters than among non-potters. The rate per cent. is 57 to 31 for males. In the case of females no such disparity is evident; indeed, as far as bronchitis itself is concerned, it appears considerably rarer among women employed in the pottery manufacture than among others, although pulmonary consumption is comparatively more common among them.

Some remarks in elucidation of these numerical results are desirable. The prevalence of lung diseases among potters is doubtless primarily due to their occupation, which involves the taking into the lungs more or less dust derived from the clay with which they work. This so-called clay is rather a silicious compound than a true clay. In the various processes it is submitted to, it becomes more or less dried, and particles of it get diffused through the air. The investigations of Dr. Headlam Greenhow have clearly shown how the inhaled dust is productive of lung disease, and from my own experience and examinations I can confirm his conclusions. Male potters are much more the victims of this dust inhalation than females employed in the pottery manufacture; inasmuch as most of the processes in which dust is liable to be thrown off from the clay are carried on by men and lads. A certain proportion of women and girls are engaged in the clay-departments, in turning the potter's wheel, in lathe-treading, in cleaning and scouring the ware. And the last-named process, namely, china-scouring, is particularly de-

structive of life, by the breathing of dust and the setting up of lung disease.

But the number so engaged represents but a small section of the females, who are for the most part occupied in the finishing departments of the manufacture, namely, in the printing-shops, in "transferring" and in "paper-cutting," in painting and enamelling on the glazed ware, in gilding and burnishing the gold, and in the warehouses. Before these processes are undertaken, the clay has been converted by fire into china or earthenware, as the case may be, and consequently is no longer in a condition to evolve dust. We do not, therefore, meet with the bronchitis or potters' asthma among women as in the case of the men engaged in pot-works. Indeed, the small ratio presented by bronchitis among female potters is remarkable, and the more so, when contrasted with that obtaining among women otherwise occupied. I would not insist much on the greater prevalence among the latter, for much fewer of such women come under observation, and the hundred cases collected would extend over a longer period and probably further into the time of year when bronchitis is more common, nevertheless, the figures are so decided in their teaching that we must allow them their due weight and seek an explanation. This is not a difficult task when we come to consider the surrounding circumstances of female potters as contrasted with those of females of otheroccupations. I have noted the non-exposure generally of the former to the special causes of bronchitis among the male potters; and we have further to take into account conditions of labour favourable to their escape from the ordinary causes of the disease, namely, their protection from cold, their comparatively small exposure to weather and out-door influences, and their generally comfortable state of living and clothing, all these particulars contrasting advantageously for them in comparison with the class of women not occupied in the pottery manufacture, represented by servants of an inferior class, housewives of the poor, laundresses and needy needlewomen, all such being more largely exposed to the ordinary causes of bronchitis, and, at the same time, not so well prepared to resist those causes, by clothing and food, as their better remunerated sister-workers in the pottery manufactories.

On the other hand, the greater prevalence of phthisis among female potters acquires, from the considerations detailed, greater significance. The ratio of the occurrence of this disease ranges within 4 per cent. of that observed among male potters, and 5 per cent. above that met with among female non-potters. Making due estimate of the conditions of labour and of the circumstances of life surrounding them, this fact therefore shows a high rate of the disease among them, and is indicative of the existence of a phthisical diathesis in larger proportion, and the connection of their employment therewith.

I will pass on now to make some observations upon the prevalence of rheumatic affections. The climate of the district is favourable to the production of such affections by its dampness and coldness; but

apart from the influence of this agent there obtain special conditions of manufacture conducive to their prevalence. In respect to these affections the potters present a very decided advantage over non-potters—that is among males. In both classes of labourers rheumatism is a prevalent malady, and experience proves that those most exposed to it are the workers about ovens and furnaces, and in coal-pits. Such operatives suffer by exposure to considerable heat, and to cold or cold currents of air acting simultaneously or very speedily and also forcibly upon an over-heated body.

In this district the proportion of males, non-potters, so exposed to sources of rheumatism is greater than that of the potters. The branches of the potters' art in which the workers are most prone to the alternations of heat and cold, are those connected with the firing of the ware in ovens and kilns. The non-potters subject to rheumatism are the colliers and the workers about iron furnaces and in foundries.

The very usual connection of rheumatism with heart-diseases explains, at the same time, the greater frequency of such diseases among non-potters than among potters.

The next enumerated maladies in the tables are those of the stomach and digestive organs. Under the head of stomach disorders I have included dyspepsia in all its forms and cases of chronic gastritis. Such a group is a very elastic one; and, in the case of females especially, could be greatly expanded by the introduction of many cases which figure as examples of anæmia and hysteria, and of not a few comprehended among uterine maladies; for in all such stomach derangement is more or less a feature.

However, taking the figures as they stand, the deduction is, that both males and females not engaged in the pottery manufacture are more prone to stomach disorders than potters themselves. The explanation of this fact with reference to males is not so obvious as in respect to females. But I may say generally, that the non-potters who apply for infirmary relief are both more over-fed, and, again, more under-fed than the potters. The over-fed are represented especially by the workers in iron, the puddlers and others, whose wages are out of all proportion to their intelligence, and who know no better way of expending it than in gluttony and debauchery. These men appear before the doctor to be relieved from the gastric results of their own evil courses. The colliers partake in the same habits, and keep the "week-end" by extra indulgence in eating and drinking, particularly in the latter; but their means for so doing are not so large as those of iron-workers, and probably the production of stomach disorders among them is not greater than among the potters.

Probably the largest number of dyspeptic males is derived from the under-fed and the ill-fed, represented by broken-down artizans, by dissipated tailors and shoemakers, by ill-paid town and country labourers, and by other unfortunates whose lot is want of work or inability for work, and, as a result, inadequate and unfit food.

That more stomach disorders are encountered among women not

employed in pottery work, is explicable from the fact that the majority of such women are derived from the ill and under-fed class of milliners, seamstresses, and housewives of poor or dissipated men, or widows in great poverty.

The next variety of bodily disorders enumerated in the tables is lead-poisoning. It will be seen that this happens only among potters, and the inference—the true one—at once forces itself upon the mind, that it must be due to some condition connected with their labour. This condition is found in the glaze used in giving the smooth, lasting surface to earthenware and china; and, to a small degree, in some other processes in which lead colours are used, the chief of which is what is termed "ground-laying." The men who use the glaze are called "dippers," because their work is to dip the ware in the fluid glaze. Their hands and wrists are, during their work, constantly wetted with the lead glaze, and their clothes and faces become more or less bespattered with it. The extent to which they suffer is largely dependent on their own care and cleanliness, but to a certain degree also upon personal proclivity to suffer; for it seems certain that the lead enters and affects the system much more in some workers than in others. One or more helpers, women or lads, are engaged by the dipper in taking the ware from him, and in wiping off superfluous glaze. Those likewise into whose hands the glazed ware comes,—the "glost placers"—are also frequently poisoned by the lead.

The poison acts variously in different people and at different times. It occasions colic, troublesome dyspepsia, cerebral derangement, and paralysis in many forms, and to a greater or less extent. This source of sickness must be regarded as, both absolutely and relatively, a preventible one. It is for chemists, in conjunction with practical potters, to discover another mode of glazing pottery, and it is in the power of the workers themselves largely to obviate the peril of their labour.

It would not be correct to represent non-potters as entirely exempt from lead-poisoning, for such among them as use the metal in a form capable of entering the system by absorption must necessarily be liable to it; as are, for instance, house-painters; but probably no members of a craft suffer in so large a proportion from it as do potters, except it be the men engaged in the manufacture of white lead. But few remarks are needed to bring to a conclusion this retrospect of the diseases included in the tables.

Both epilepsy and chorea are unusually prevalent in the population of the Staffordshire potteries. The pathology and etiology of epilepsy are obscure, and the cause of its frequent occurrence in the district in question cannot be satisfactorily accounted for. It is met with in early life, and often is consecutive upon infantile convulsions. These last we can frequently associate with the ill-feeding of infants, and with faulty constitution. Both bad feeding and bad constitutions are common among the inhabitants. Struma, in various forms, affects a considerable proportion; retarded and imperfect

development prevails extensively; and, with physically weak bodies, there are often associated ill-regulated, irritable, ill-furnished minds, craving for exhausting and unhealthy stimuli, too largely found in towns and in town life.

To habits of intoxication, and to other vicious courses on the part of parents, may often be referred the sickly, dwarfed, misshapen, strumous, and phthisical children, so numerous in our manufacturing towns, and from whose ranks their mortality is so largely swollen. To such habits, more, indeed, than to the processes of manufacture, and to such habits, in association with insufficiently nutritive food, particularly on the part of women of the operative classes (often not in consequence of inadequate means, but of the want of common sense and teaching in the selection and preparation of food), do we owe the manifest deterioration of the race in large centres of industry. Such degenerescence is, to a certain extent, counteracted by the constant recruiting of the town population from the dwellers in the country. How considerable need be this immigration into towns from the country around is indicated by the prevalence of so much disease destructive of life, as shown in the tables above, and perhaps even more distinctly by the examination of the registers of the causes of death, and the deductions therefrom, exhibiting the heavy death-rate, and the early period of life at which operatives are cut off,—as exemplified in the statistics of the mortality of the chief pottery towns, published by me in the essay before alluded to.

How far soever the influence of a degraded physical frame and of constitutional taint be effective in the production of epilepsy, there can be no question of its giving origin to chorea. Many physicans, especially those in London, have represented chorea as intimately connected with rheumatism and heart disease; and no doubt these maladies frequently concur as cause and effect; but my experience proves that this relation is not nearly so frequent as supposed; and I reckon that in two-thirds of the cases no rheumatism acquired or inherited and no cardiac disease are to be found. The subjects of chorea are principally ill-nourished, weakly, scrofulous children, with irritable, ill-regulated, and, at times, over-wrought brains, and the surest cure is derived from in-door treatment in the infirmary, which implies good food and air, moral control and discipline, removal from causes of excitement and irritation in scolding or petting parents, and in annoying, quarrelsome brothers and sisters, with the use of baths, but very little physic. In other words the treatment shows that chorea is a result of debility, abnormal cerebral activity, and improper or unfit diet.

The prevalence of uterine disorders among weak women engaged in sedentary work, and to a great extent ill-fed, is a phenomenon common in every town, and not peculiar to the potteries.

Whilst on the head of stomach disorders I referred to their presence in connection with uterine derangements, and I will take this opportunity of remarking upon the lamentable amount of sickness consequent on the abuse of tea by women of the working classes.

Instead of using it simply as an occasional beverage, they make it a principal article of diet, and drink it, usually without milk or sugar, several times a day. At most meals bread and butter is the only solid accompaniment. In many cases, doubtless, poverty imposes on them a meagre diet; but even in such, the one alluded to might be advantageously replaced by other kinds of food not more expensive. But in many instances this defective diet is one of choice, and not of necessity, and the choice is determined often by ignorance and indolence—by ignorance of the simplest cooking processes, and by indolence suggesting a meal that gives the least trouble.

Bitter and strong is the agitation, at the present period, against beer and other intoxicating liquors as the root of all evils; but, in my opinion, there is room for agitation against tea-drinking as carried on in the way spoken of; for I am convinced that a deterioration of health among the working classes, and a lowered vitality in the rising generation, are consequences of the abuse of the beverage in question. Entertaining as I do these views, based on wide observation, I can in no degree sympathize with the politico-social party, who make what they call "a free-breakfast table" the goal of their reforming ambition. The surrender of revenue consequent on their success would be balanced by no increased good, either to the pockets or to the health of the classes for whose special benefit the scheme is urged.

A Cheap Mode of Preventing Waste of Water when Continuously Supplied. By P. H. HOLLAND.

PARLIAMENT has for very sufficient reasons decided that London shall be supplied with water continuously, and there is little doubt that that best, simplest, and cheapest mode of supplying water will become general notwithstanding there being some "eminent engineers" who still hold, as most of them did thirty years ago, that continuous water supply was for large places almost impossible. I remember one whom I heard giving evidence in favour of the alteration from intermittent to continuous service, one year, who had told me the preceding year it was quite impracticable; and I have little doubt that many changes condemned by "practical men" now will soon be adopted by those same eminent authorities, and not improbably claimed by them as their own proposals.

It is at last acknowledged, when it can no longer be denied, that continuous water supply is not only possible but easy. It has many great advantages too evident and too well-known to need mentioning, but the economy of the system is still disputed, while it is greatly feared that the change from the old to the new system will involve either a very great waste of water from imperfect fittings and taps, or a very large expenditure in providing good ones. I expect to be able to show that neither of these losses need be incurred.

It is evident that if, as is common now, a large proportion of the

supply taps do not close perfectly, but are allowed to dribble, the waste of many thousand dribbles must be far greater if they continue twenty-four hours a day than only one hour or less; but on the other hand there is a saving of waste which occurs on the old system from ball-cocks being absent or out of order, and from large cisterns being frequently emptied to prevent the water getting stagnant, and often the waste prevented exceeds that caused by the change of system; but under either system, as at present mismanaged, the quantity of water wasted very far exceeds that used. It is not accurately known what quantity of water is supplied to houses; the total quantity supplied to a whole town may be pretty accurately determined, as also the number of houses supplied, and the quantity used for other purposes than household supply may be estimated with fair approximation to correctness; but the inference that all the rest is distributed among the houses is erroneous—often very seriously erroneous. There is always some waste, sometimes very great waste, from imperfect junctions of pipes, especially when they have been laid by contract at a price insufficient to pay for honest work, when the contractor can only make his contract pay by cheating either his employers or somebody else. Whether those who give or those who knowingly accept such contracts are least honest is a question I cannot decide. Making, however, all fair allowance for other forms of waste, there can be no doubt that a very large part of that supplied to houses is wasted if the estimates of the quantity supplied be anything near the truth. That quantity is often stated to be from twenty to forty gallons a head per diem;* the smallest of these quantities is more than twice as much as is commonly used, as a very little consideration will show. Five gallons per head is twenty-five gallons per family of five, and though many families habitually, and most families occasionally, use more water, the great majority habitually use very much less. It will be allowed that the following is a very liberal allowance of water for the daily use of an ordinary family.

For drinking, including tea, &c.	2½	gallons
For supplying bedrooms	2½	„
For cooking and washing up	5	„
For washing floors, &c.	5	„
For water-closet	10	„
For total ordinary use	25	„
For washing-day once a week ...	25	„
Maximum consumption ...	50	„

* G. R. Burnell, C.E., says the consumption is generally forty and in some places eighty to 100 gallons a day per individual.—"Rudiments of Hydraulic Engineering," p. 164. I consider these estimates extravagant unless there be excessive waste.

If, therefore, every house has a possible supply of fifty gallons in a day, there will always be enough for the largest probable demand, while the ordinary consumption will not much exceed, even if it reach, half of the maximum supply. All that is necessary then to keep the waste within moderate limit, without at all diminishing the supply for use, is to provide each house with as much water as is needed for use, but not much more than is enough for that purpose. If twenty-five gallons a day is generally enough, and fifty gallons enough for extraordinary occasions, it will be enough if each be supplied at the rate of two gallons an hour, *i.e.*, the quantity supplied by a jet one-twenty-fourth of an inch diameter with 150 feet pressure. I have passed water through the stem of a tobacco pipe, with only a foot of pressure, in excess of the friction, at a greater rate than this, and through a tube of one-fifth of an inch diameter, at a rate exceeding 400 gallons a day, or enough to supply sixteen houses with tweney-five gallons a day each, running at the rate of only one-fifth of a foot per second, and, therefore, with very little friction. If water were so supplied the effect would be that if any householder leaves his tap open, or allows it to dribble, he will himself feel the inconvenience and will guard against it, instead of, as he does at present, allowing water to run away uselessly, which must either be needed by others, or supplied at the cost of the community. One tap left carelessly running may waste in an hour as much water as would supply many houses for a day, while it is common for places supplied on the intermittent system to run off through the sewers, when the water is on, sometimes three to four times as much as when it is off, showing that above three-fourths of the quantity supplied is allowed to run to waste, in addition to what dribbles away.

It will naturally be objected that if water be supplied at the rate of two gallons an hour only, it would be tedious to wait the time needed for obtaining water when wanted. There need not, however, be any more waiting than at present, if small receptacles for water, containing as much as is needed at once, were provided, from which it would be drawn when needed, and which would then be gradually refilled at the rate of two gallons an hour. As these little receptacles would cost very little, and might save the cost of water jugs and cans, and as, moreover, the water pipes for keeping them full would be very small and very inexpensive, it would be easy to have several in every house, one in every room if desired. More than the requisite quantity of water would run through a common tobacco pipe, with a foot of pressure in excess of the friction, but a somewhat larger pipe would be desirable. Messrs. Walker, Campbell & Company, of Liverpool, say they can supply their tin-lined lead pipe one-tenth inch diameter (which is ten times the area of a tobacco pipe) at about a penny per foot, or a one-sixteenth at a much less cost, and probably glass or earthenware pipes would be still cheaper. Such pipes might be so easily concealed, that water may be conveyed in them throughout any house without disfiguring any room in it, and it would be easy, wherever necessary, to protect them effectually from frost.

The limitation of the water to be supplied to the quantity really needed is very easy. All that is necessary is to admit the water through a tap with a conical hole, the point being a mere pin hole, that will allow of the requisite flow with the average pressure. Of course the flow will not be quite regular, but that is of no consequence if the quantity delivered per day is sufficient. If the water be properly filtered the taps will be very rarely obstructed, and when they are so can easily be cleared, if placed where accessible.

Though the plan proposed will greatly diminish the cost, and increase the convenience of water fittings, and reduce the waste of water within very narrow limits, it is by no means desirable to diminish the quantity of water to be supplied to a town. On the contrary, there are very few towns where the quantity now supplied might not, with great advantage, be largely increased. That, however, is no reason for permitting waste, but, on the contrary, is an additional reason for preventing it. If it were prevented, water might, without any additional cost, be allowed for washing, instead of merely wetting street surfaces, rendering every street always as sweet as it is after a thunder shower. The surface being rendered quite clear would very quickly dry, and our roadways might be kept in the same beautiful condition as those of Paris are chiefly by this means. Windows and house fronts might also be economically washed, and one of the effects of the smoke nuisance abated. Water now wasted would be amply sufficient to supply as many baths as a population need, and if used previously for condensing steam, the water for baths would without cost be warmed. Plants and trees might be grown in towns if smoke were diminished, and their leaves frequently washed by gentle jets of water. Fountains and ornamental ponds might be supplied by the water now wasted, which would doubtless be turned to numberless uses, some not now thought of.

Great as such advantages would in all cases be, there are some places where, by the adoption of this plan, difficulties, now almost insuperable, might be overcome. In places, for instance, which practically cannot obtain a supply of water, both wholesome and safe, sufficient for all purposes, within any reasonable distance, and are now dependent upon supplies deficient in quantity or defective in quality, and generally both deficient and defective. There are, however, few places for which a small supply of good drinking water might not be obtained, if its use could be limited to that purpose, and very generally a large enough supply for other purposes could be got of water, not too hard to wash with, and pure enough for any purpose except drinking. If, however, an attempt were made to supply a town with either of these waters on the common method, it is certain that that intended for drinking would by some be used for other purposes, and would therefore prove insufficient for supplying all with drinking water; while, if the water intended for washing were alone supplied, many would drink it, even if aware, as they might not be, that they could not drink it with safety. The only plan to render such waters safely available would be to supply

every house with both, and to limit the supply to each, so that none could take much more than the needed; thereby depriving others of their share. Supposing the total supply of good drinking water is only equal to a gallon per individual per day (which is more than a very small spring would supply for a good large village or small town), it is evident that it would be insufficient if any one could waste, as they now can, and often do, as much as would supply hundreds with drinking water, while it would be amply sufficient for all if none could draw more than they used for drinking. If the water be supplied at the rate of six gallons per day (a quart an hour) for every family, it is clear that no family can waste more, while each will have more than enough. The size of the pipes needed to convey so small a quantity will be so small, can be so easily laid, and so easily protected from frost or injury, that their cost, in addition to that of larger pipes for conveying larger quantities of water for other purposes, would often be quite insignificant as compared with the cost which would have to be met for providing and conveying water fit for all purposes for a great distance. In many places water, good enough for all purposes, except drinking, may be got in abundance from canals, or rivers, at no great distance; or water gathered at a distance might be cheaply conveyed to a place needing it through such channels, or through water courses less costly than pipes, if its extreme purity need not be preserved.

Suppose, for instance, it should be decided, as I do not think it will be, that the Thames and the Lea must be abandoned as sources for drinking water for London, it would by no means follow that the present sources of supply must be given up, and a new one for all purposes obtained. It would be far cheaper to lay down a second set of pipes, which need be small ones only, to convey to every house, say five or six gallons a day of drinking water, and to continue the present supply for other purposes, than to construct works for obtaining a sufficient supply for all purposes from any other source. It is true that better water for washing might be got, and there might be a real economy in using it, but the cost of the change would be enormous, and, so far as drinking water is concerned, easily avoided by this very simple method. There are very many places where this mode of double supply would be economical. It is very common for detached houses to have separate supplies for drinking and washing, and the only reason why towns have not is the great cost of a double set of pipes of the sizes generally used, but, as I have shown, such cost is wholly needless.

A supply of excellent water, more than sufficient for drinking and cooking only, might be got for Birmingham from the Lickey Hills; while the existing supply, though bad for drinking, is good enough for many purposes. Wakefield is now supplied from the Aire after it has drained Leeds, Bradford, and several other great towns; a good supply of drinking water might be got here also at far less cost than a sufficient supply for all purposes. The small places for which the plan suggested is applicable are numberless.

One of the most convenient forms of receptacle for water is that I invented and published some twenty years ago, but which has nevertheless been since re-invented by at least two patentees. It is essentially the same as that called the water-waste preventer. It consists of an air-tight vessel, with a three-way-tap or other contrivance for letting the water either in or out, but not both at once. When it is let in, it enters slowly, compressing the confined air until it is so condensed as to resist the entrance of any more: with 100 feet pressure the vessel would be three-fourths filled, and a gallon bottle would therefore hold three quarts of water and one of compressed air, which, by its expansion, would force the water out of the tap when opened as fast as if it came direct from the pipe of the same size. This tap must be one often called a vent-peg tap, which will allow air to enter as the water flows out, as part of the air will be absorbed by the water, and will need occasional renewal.

A gallon stoneware bottle, which may be made of any shape and as ornamental as is desired, need not cost more than a water-jug, and would, being kept constantly full without trouble, be far more convenient, while the cost and trouble of drinking-water bottles in the bed-room would be saved. The water receptacles for the kitchens, wash-houses, and water-closets, would render cisterns for them unnecessary, those existing might therefore either be sold or used for holding rain-water, by which the consumption of pipe-water might be still further diminished and good washing water obtained. The existing lead pipes in houses would be superseded by the small pipes proposed, and the value of the lead would much more than repay the cost of the alteration. Though it would be inconvenient for the little receptacles for water to hold less than will be needed at once, it is undesirable for them to hold much more, as the more frequently water is changed the better; perhaps about half the expected daily consumption may be the best quantity; that would be about 100 gallons for every eight houses, or 100,000 gallons for 8000 houses, or say for a population of 40,000 or 50,000. Large service reservoirs are needed when water has to be lifted to keep up constant supply without constant pumping, and when water has to be conveyed from a great distance to avoid the cost of having supply pipes large enough to carry the maximum consumption, which often is several times as great as the average—for example, early in the day when washing and cooking is most actively pursued. An amount of storage equal to about twelve gallons per house would serve most of the purposes of a service-reservoir, and render a general one of moderate size quite sufficient. The mains also might be smaller because the flow in them would be much more regular and the pressure in them would therefore be more regularly sustained, rendering the water in them more constantly available for the rapid extinction of fire.

In every respect the change would be an improvement, more economical, more convenient, more effective.

*The Sanitary Improvement of Leeds.** *By* M. K. ROBINSON, M.D., Medical Officer of Health for Leeds.

IN compliance with the wish of others I will briefly refer to what has been done in Leeds, by way of sanitary improvements, in order to show that if progress is not made quite so rapidly as some would desire, sanitary work steadily progresses, and real improvement is effected.

The borough of Leeds comprises ten different registration districts, the registrars of each of which divisions furnish every Monday morning, to the Officer of Health, a return of the deaths registered during the preceding week. These returns are at once tabulated into convenient forms for reference, so as to show in one view the age, sex, disease, and locality where each death has occurred. When deaths have been occasioned by preventible diseases amongst the artisan or labouring classes the localities are visited, a history of the cases as complete as practicable obtained, and measures taken for rectifying any sanitary defects which exist, disinfecting and cleansing being carried out in contagious cases, according to the provision of the Sanitary Act of 1866.

The Sanitary Committee of the Leeds Town Council in discharging its duty as prescribed by the Sanitary and Nuisances Removal Acts has, for the purpose of securing systematic inspection, cottage house-to-house visitation, and the adoption of general hygienic proceedings, divided the borough into fifteen divisions, to each of which an inspector is assigned, whose duty it is to ascertain and report daily in writing whatever nuisances he may find in his district to the chief inspector of nuisances, under whose control and supervision the several inspectors are placed.

These men also report particulars of zymotic cases on printed forms to the officer of health, and carry out his instructions respecting the disinfecting of houses, drains, &c., personally assisting in removing persons suffering from infectious diseases to the house of recovery. Notices are also served by this staff on the owners or agents of property where nuisances exist, and the men are held responsible for the general cleanliness of their respective districts. They are advised, directed, and supervised by a most able inspector of nuisances, who himself inquires into complaints of the inhabitants, signs notices, and appears to support informations before the magistrates. All the men are members of the police force, and in eight out of the fifteen divisions of the borough, nearly all their time is

* See *Transactions*, 1864, p. 583.

devoted to sanitary work. In these eight divisions which include the central part of the town, the area traversed averages 1000 acres per man, the population equal to each being about 20,000. In the seven remaining suburban divisions of the borough, the men devote only one day per week to sanitary duty, with one exception, when two days are set apart for that purpose. The area of each last subdivision averages about 1800 acres, and the population in each district numbers about 5000. It would be impossible to give a detailed description of all the work accomplished by this staff, but a summary of what has been done from January, 1867, to September 30th of the current year, shows that 51,131 notices and letters were sent out, 351 summonses issued, and penalties for sanitary offences amounting in the aggregate to 288*l.* 14*s.* 6*d.* inflicted (exclusive of smoke penalties).

Through the help this death-preventive staff is able to afford diseases are often traced to their causes, and timely remedies are applied to stem the march of those insidious foes that prey on human life. I might allude to scores of instances which have occurred in this wide borough where typhoid fever has been traced to either defective drains, or excrement-polluted soil and water, that held in their embrace the virus of this disease, and where the removal of the discovered evils was followed by suppression of the disease. To say to what extent infectious diseases have been arrested in their spread would be as difficult to show, as it would be to prove how many robberies are prevented by the constitution of a well-ordered police force, but during the cholera epidemic of 1866 this malady never extended to the population of Leeds, although introduced into one of our courts by a gang of railway workmen who came direct from an infected house in Liverpool, prompt conjoint action by the Leeds Town Council and the Board of Guardians (consisting in perfect isolation of the sick and segregation of the infected from the rest of the inhabitants of the town, &c.) being at once taken on the outbreak of the disease in Leeds.

Then, during the epidemic of relapsing fever last year that disease never became so widely diffused in Leeds in relation to the population as in many other towns, although introduced seventeen times from other places, the measures adopted being early removal of the sick from the healthy, accompanied by disinfection and cleansing of infected houses, clothing, &c.; and up to the present period of this year, with small-pox widely diffused through the country, there have been only nineteen deaths from the disease in Leeds, although since January it has been introduced into our population seventeen times. Beds and woollen garments, &c., which are not destroyed are disinfected in the Corporation's own apparatus, which may be seen by any members of the Section in daily operation.

I wish here to notice that the merit of calling public attention to the value of dry heat as a disinfectant, as practised years ago by Dr. Henry, of Manchester, is due to one of the members of this Association, Dr. Shaw, of York, who read a paper on the subject in the

year 1864, and there may be now seen at the Sanitary Exhibition connected with the present Congress a model of a disinfecting apparatus by Fraser, of London, also one heated on an entirely original principle by Nelson & Co., of Leeds. In addition to the short sketch of work just described as being done, in pursuance of the provisions of the Sanitary and Nuisances Removal Acts for England, the Leeds Town Council has gone further and obtained powers of its own to deal with faulty property, compensating the owners thereof for any loss they may sustain. Beginning in the heart of the town the Corporation has already decided to destroy one whole block of buildings, consisting of sixty houses and covering a space of 2505 square yards. On Friday next the Council will be still further asked by the Sanitary Committee to adopt a similar scheme for clearing away two blocks of streets and courts, where in one instance the death-rate for the locality has averaged during the last five years 50·3 per 1000 per annum, and in the other during the same period 68·2 per 1000 per annum, embracing in the first case twelve courts and involving the destruction of 163 houses, which cover about 8640 square yards, and in the second recommendation the demolition of 28 houses.

The Sanitary Committee in deciding upon this wholesale demolition of property has not been guided by the death-rate of the locality alone, but has been influenced in its decision by other reasons, namely, that the localities in question have been the principal seat of every epidemic that has visited the town, and further that the faulty arrangement of the houses as to construction, ventilation, out-office accommodation, and surroundings, &c., is such as to preclude any other remedy than total demolition.

The rate of mortality of Leeds is so often mis-quoted as to increasing in intensity year by year—an error, if I mistake not, I have heard repeated in this Section during our present meeting—that it is necessary here to show that in this respect also, improvement has taken place. The actual death-rate of the last five years, counting the three-quarters of the current year just expired, has only averaged 27·1 per 1000 per annum, compared with 31·3 as the average of the preceding five years. The death-rate of the current year from January 1st up to last Saturday night was a rate of 26·7 per 1000 per annum, so that whether we take the last year, 28·2, or the series of the last five years as compared with the previous five, Leeds in its diminished mortality compares favourably with the past. Leeds, therefore, with its magnificent water-works, in course of construction; the improved Becks; undertakings for demolition of noisome courts, and pestilence-breeding houses; its recent decision to abolish barbarous middens; its sanitary organization and persistent administration of the Sanitary and Nuisances Removal Acts, accompanied with a diminished death-rate, may fairly be said to be making material progress in sanitary improvement—and this in the face of enormous difficulties, such as viciously-constructed houses handed down to the present generation by the ignorance or selfishness of the past; interested associations organized for the purpose of stemming

the stream of sanitary reform; and a Chancery injunction causing sewage-logged-houses, and necessitating cesspools for all new buildings. Still since my connection with the Leeds Corporation, no chief magistrate like the present has taken a livelier interest in the sanitary welfare of the people, and the Chairman who presides over the Sanitary Committee devotes nearly all his time and abilities, day after day, to the amelioration of the evils which call for removal; and the display of this zeal and assiduity on the part of those placed in positions of trust and responsibility I take as indicating a determination on the part of her rulers that, as Leeds was one of the first towns in the kingdom to inaugurate a system of preparing reports upon the sanitary condition of massed populations, so now, by a practical solution of various sanitary problems, she will again take front rank and lead other towns in the way of life.

On the Sanitary and Economical Advantages of Smooth and Impermeable Street Surfaces. By EDWIN CHADWICK, C.B., Corresponding Member of the Institut of France.

THE subsoil drainage of the sites of towns is one important primary sanitary work for the removal of damp, which lowers strength. The provision of self-cleansing house drains, and self-cleansing street sewers, is the next and most important work for the health of urban populations, by the removal from beneath the sites of houses and streets of all human and animal excreta before it can enter into noxious decomposition. But the means of removing filth from the surfaces of courts, streets, and roadways, the prevention of dust and dirt, and the preservation of cleanliness, the avoidance of noise, the facilitation of transit, and the general comfort of urban populations, is a topic of sanitary science, hitherto disregarded, which I shall now endeavour to expound. It will be seen how much there is of the great in principle and in result immersed in the little of detail, treated as ignoble in public administration.

The condition of the surfaces of the streets, courts, and alleys of the metropolis formed an important topic of examination under our Metropolitan Sanitary Commission. The state of the unpaved districts, the noxious emanations from the subsoils, the absorbent surface mud, the stagnant pools containing dung and other decomposing animal and vegetable matter—the filth collected on the person and on clothes derived from it, and taken into habitations, powerfully affected the cleanly habits and the health of the population, especially of the children, who are always out playing upon such surfaces. In places where self-cleansing house drains and sewers have been brought into good action, and where the death-rates have been reduced, but where some amount of typhoid and foul-air diseases yet lurk, they have been found to be very much confined to those streets where the surface is unpaved and badly cleansed, and the subsoil sodden with foul matter. The pernicious effects of these conditions

are, as might be expected, most severe on children, from their being, by reason of their lower stature, nearer to the emanations, and from their being more weakly, and thence most susceptible to their influence. The sanitary condition of the then best paved streets was very bad, presenting "seas of mud" in winter, and in summer giving off "clouds of dust," which settled on the clothes, the skin, and the hair, and got into the lungs. The worst is, that this dust is chiefly dung dust. The experiments of Professor Tyndal go to prove that the whole of the visible particles floating in London rooms are of organic origin; and Dr. Letheby, the officer of health of the City of London, who analyzed the dried mud taken from the pavements there, says that he found the proportion of horse dung, abraded stones and abraded iron to be about as follows:—Horse dung 57 per cent., abraded stone 30, abraded iron 13 per cent. Granite dusts with the journeyman masons and iron dusts with the Sheffield knife-grinders are proved to be peculiarly injurious to the lungs, and where such dusts abound, as they often do in London, persons of susceptible lungs do well to use respirators. In some of the leading thoroughfares as much as a cartload of dung was removed daily from every mile of street. In the City there were, I was informed, about 100 loads of surface matter, chiefly dung, removed daily. To persons coming from the rural districts the streets frequently smelt like badly cleansed stable-yards.

At the first General Board of Health, in times of severe epidemic periods, we directed that the affected districts should be carefully and thoroughly surface-cleansed. This was directed to be done by jets of water thrown by engine power, or from the mains where water at high pressure was available; but in many districts the jets, in clearing away the dung deposits from the interstices of the paving, often also washed away or tore out much of the supports of the large stones, and even where they were firmly jointed, left much objectionable surface water, which lowers temperature and creates chills by its evaporation. The only remedy available in some excrement-sodden districts was to cover the street surfaces over, for the time, with fresh mould or soil, which, when it was done, made the people feel, as they said, as if they were living in another atmosphere.

It resulted from our examination that, by some better mode of paving, which we hoped might be obtained—than that of large stones put down to resist the shock of heavy carriages, which again entails the construction of heavy carriages to withstand the shock of the large stones—by lowering the gradients, and by the introduction of tramways at some points, half the usual horse power might be saved—a saving of great importance in itself in the economy of traction, and of intercommunication, but in our view, of peculiar sanitary importance, as a diminution of half the horse dung, with its noxious evaporation and the injury of the other dust and dirt, and a reduction of expense of the surface-cleansing of the streets;—Or an equivalent result—allowing an increase to be made of horse traffic (such as is now going on in the metropolis, notwithstanding the

railway), without a proportionate increase of the street dung and dust.

I certainly expect that the saving of horse power, from the paving with the new material, of peculiar hardness, as yet unsurpassed, and, as far as I have seen, unequalled by anything of the kind—the Val de Travers asphalte—will be of more than one-half of that power, and consequently a saving of more than half the dirt and dung in the streets, and that this pavement will nearly equal the tramways in this respect for public vehicles, whilst it will exceed tramways in general convenience, especially for all sorts of private carriages. Sir Joseph Whitworth, who has studied street economy, and the means of street cleansing, and who is much struck with the new material, tells me that he anticipates that when extensively adopted, it will make way for the hot-air engine, with india-rubber tyres. Whilst attending as a juror on hygiene at the International Exposition at Paris, my attention was requested to an asphalte pavement there recently laid down, which was promised to withstand the heaviest traffic. I confess that, from what I had seen of various asphaltes, and from the failures of some very hard materials which I had myself got tried, I disregarded the promise then made of the Val de Travers. But I have been surprised and interested by the demonstration of its extraordinary power under the heaviest traffic of the City of London, that of Cheapside, of nearly 12,000 vehicles daily, which I never believed that any such material could have stood, as it certainly does stand, with less wear than granite. A colleague of the Institut, who has been riding over the material in Paris for more than ten years, testifies to its very great comfort, and that horses, when they become accustomed to it, certainly do not slip more, and he believes, when they do slip, they injure themselves less than on the granite pavements. I have been informed that since the asphalte pavement has been laid down in the City of London, fewer horses have been sent to the horse slaughterers for fatal fractures.

Dryness, rapid discharge of surface wet, is a quality to be regarded, as it gives much of the high sanitary quality for residence in rural districts of sites on gravel, or on chalk formations, as compared with clayey sites, that the inhabitants can sooner go comfortably about after rainfalls. The asphalte roadway surfaces in the City present a strong contrast, in speedy drying after showers, as compared with the granite roadways. It is also observable that on account of the smoothness and cleanliness, as well as the dryness of the asphalte carriage-ways, the crowding of footways is relieved, by many people walking on the asphalte carriage-ways who do not go on the granite carriage-ways.

One peculiar evil attendant on the old systems is the noise, the rattle, and the vibration of the traffic over them, to which strong people become accustomed, and do not mind, but from which weakly and ailing people suffer very much, being sometimes obliged to leave town to avoid it. The removal of the sick over these paved roads is often attended with considerable danger from

the rolling and shaking. At our General Board of Health, it was strongly represented that great injury, often fatal, was inflicted by the removal of some large classes of sick in common cabs, or in other common conveyances over paved roads. Exhortations were prepared for popular circulation, that on the occurrence of accidents in the streets, attended by the fracture of limbs, it is of the greatest importance that the patients shall not be put into any common conveyance for their removal, but should be allowed to remain where they fall until a surgeon can be brought to direct special and safe means of removal by stretchers. The cases are numerous in which invalids are confined to their rooms by their inability to stand the vibration of vehicles on stone pavements, who might take carriage airings on the peculiarly smooth and elastic Val de Travers asphalte. In relation to the actions of granite pavements on healthy persons, a professional friend declares that a loss of what he calls "brain force," from the vibration and disturbance of the nervous system in much riding over the old carriage pavements, is far greater than would be imagined. We know that for ladies of the well-to-do class, it is found necessary at times to spread straw over the street, to prevent the vibration and deaden the sound of carriages. With a pavement of this very remarkable new substance, which gives with great tenacity a sort of elastic surface—hard and inodorous alike in summer and winter—it is very much as if tan were always laid down before all the houses of a whole line of street. Tradesmen in Cheapside testify, as one characteristic of it, that, without shutting their shop doors, they can hear their customers, and can make themselves heard by them now without shouting, as heretofore, to overcome the noise of the carriages over the granite pavement. Those living in such streets can now keep their windows open with little annoyance either from noise or dust.

The macadam roads, in cities of great traffic, may be said to be huge stone mills for grinding granite dust. Some notion of the extent of the work done in this way in the metropolis may be formed from the fact that there are annually imported, and used there, 650,000 tons of granite, of which it is estimated that about 100 tons are used in cubes, and that the rest is used as macadam. In addition to this material, large quantities of flint and of other stones imported as ballast are used. In Birmingham, 50,000 tons of granite are put on the roads every year. Every year, therefore, so many tons of granite is ground, in dry weather, into dust with dung, which the winds carry about, and in wet weather into mud. The wear of the macadam roads is from one inch to four inches or more of granite annually. Westminster Bridge, it is stated, requires annually a coating of at least five inches and a half of the very best granite that can be got. The wear of any smooth road, by reason of the very smoothness, is comparatively inconsiderable, an example of which I am informed may be given, though of a street of secondary traffic compared with our chief thoroughfares, in that of the Rue Bergere, in Paris, where the following result was observed. The street was laid with

two inches of Val de Travers asphalte in 1854, which was lifted in 1869, when it was found to be reduced to one inch three-eighths, but chiefly by compression, for it had, during the fifteen years, lost only 5 per cent. in weight. I am informed that similar results have been obtained in Threadneedle Street, for the time the new pavement has been down there.

We found that these granite pavements affect the working of the sewers very injuriously. When the granite dust is washed by rain into the sewers, it often forms an indurated surface, only to be loosened by the pick, and to be removed at much trouble and expense. This sometimes occurs, even with tubular glazed pipe sewers. To obviate this evil, we had traps carefully constructed at the mouths of the gulley shoots to arrest the granite detritus, for which, however, in times of storm or heavy rain, they proved to be insufficient.

When the new granite or flint material for macadam is first laid down, it is a cruelty to horses, and a barbarism as respects carriages and carts, to impose upon them the labour of crushing it. The steam roller is a relief to them, and an economy in getting a somewhat better surface, though still to some extent a permeable one for dung. But this implement it is now found aggravates waste and evil of another sort, produced by the vibration from heavy traffic. One great inconvenience in our streets is the frequent breaking up of the pavement for the repair of gas and water pipes. I found from my own inquiries that the leakage of these pipes was very much proportioned to the heaviness of traffic, and was inconsiderable in the bye streets, and districts of little traffic, the vibration of the heavy traffic perpetually shaking the lines of pipes and loosening their joints. The escape of gas, besides being a waste—which in some districts was stated to amount to as much as 30 per cent.—was attended by sanitary evil in the pollution of the air, and even in some cases of the drinking water. So great in some districts was the saturation of the subsoil with gas, that where the water supply is on the intermittent system, and the pipes are alternately full and empty, the water-pipes were often filled with gas sucked in from the substratum through the loosened joints when the water was drawn out of the pipes. I could scarcely credit this. But Mr. Milne, the engineer of the New River Company, to demonstrate this condition to me, and show that to the water were frequently ascribed impurities which did not belong to its original and proper quality, took me early in the morning to the New Road and applied a match to the tops of water-plugs, and lighted the gas that escaped from them. Instances were stated of people, on going with candles to the taps in houses to draw water, being surprised by a blaze of gas from them. The operation of the new steam rollers, whilst it relieves horses, carriages, and ordinary vehicles from the labour of crushing and forcing down granite, and is in other respects economical for the macadam roads, is productive of injury and waste by a yet more powerful vibrating action than the ordinary traffic,

and greater disturbance and rupture of the system of pipes beneath the surface. Some of these rollers weigh as much as thirty tons each. I am informed that the gas and water companies in London and in the provincial cities have had serious cause to complain of the use of these rollers, which bring to bear the weight of some twenty or thirty one-horse loads upon one fulcrum, and have fractured large pipes deeply laid, and have also injured the house connections.

In proposing the system of combined back drainage, that is, of carrying water-pipes as well as drains and branch sewers at the backs of lines of houses, instead of in the streets along the fronts, I calculated that, besides saving the expense and inconvenience of carrying drains and pipes under the lower floors of houses, the measure would reduce the evil of the loosening and breaking of house service-pipes, as well as the mains, by removing a large proportion of them from the direct action of the heavy traffic over the granite pavements in the streets.

There can, I think, be no doubt that the indirect economies will be greater than the direct economics from the new principle of covering the streets with smooth and yet hard surfaces. One indirect economy will be the reduction of the weight of the vehicles necessary for the paved roads, and thence a reduction of the wear of the roads.

Amidst these economies are to be regarded the reduction of pain as well as the economy of horse-power. I have received from my esteemed correspondent, Dr. Edward Jervis, of Massachusetts, a paper entitled "Our Dumb Animals," published by a new society started there, on the principle of our Society for the Prevention of Cruelty to Animals. They say, "We want to show the people of this country the abuses to which animals are now subjected, and that those abuses affect not only the well-being of the animals and of the public health, but also the tone of public morals, inasmuch as cruelty to dumb creatures begets cruelty to creatures that are not dumb. Our aim is to educate all, and particularly children, to a higher humanity, and to inspire a reverence for the Great Creator of all these wonderful forms of animal life, and a more profound consciousness of our duty in regard to them." In this elevated spirit they advert to the Nicholson pavement as against cobble stones. I have seen no account of the construction of this Nicholson pavement. I am assured, however, that on a comparison with other means, the Val de Travers pavement is now being actively taken up in New York. But I cite the account as corroborative of the principle of a smooth as compared with a rough pavement, and for the discrimination of the elements of humanity with those of economy involved in the application of the principle by the best means. They state that, by the new smooth pavement, "Streets which once had but little else but light pleasure carriages coursing through them, are now filled from morning to evening with heavily-loaded drays and carts and carriages of all kinds. The explanation is that the teamsters and cabmen have found out that they can drag heavy loads

over the smooth Nicholson pavement with half the wear and tear of team and cart that is expended on the cobble-stone pavement, and so, very naturally and reasonably, select those streets which have the smoothest wheel-ways.

"And why should they not? The life of a first-class coach in Boston streets, for example, is diminished nearly 50 per cent. by the rough cobble over which it is banged from day to day. And the life of all sorts of carriages, carts, and waggons, is probably diminished proportionately. The wear of horses, too, is, no doubt, in the same proportion. The sprung knees and unsound hoofs of our city horses are a continual protest against cobble-stones. How can a poor horse be expected to do half his appropriate work, or live out half his appointed days, who is rarely allowed a chance to put his foot down flat on the road he is travelling, but must step and pull over a series of round stones, which afford no firm footing, and which jerk and wrench the carriage in every direction, every motion of which is an unnatural and unreasonable and injuring strain on the faithful animal who is tugging along his heavy load?

"A first-class livery coach, which costs the stable-keeper sixteen or eighteen hundred dollars, will last as such about half-a-dozen years only in Boston streets. It is then sold for about what has been expended on it in repairs during the time it has been in service; and so the coach is in fact sunk and lost in the course of about five or six years. And it is very much so with every sort of carriage which is used in our city. Not that they wear out equally quick, but that their life, if we may so speak, is proportionately shortened, and so it is, too, with the poor horses.

"Now let those who have the making and paving of our streets bear these facts in mind, and they will see that true economy, as well as comfort, demand that our streets should be made just as smooth as is compatible with durability, and that cobble-stone pavements should be banished as fast as possible from our city limits."

It is confidently anticipated that the improvement of the road surfaces will lead to a very great improvement in the shoeing of horses.

The Corporation of the City of London have rendered a public service by the trial of the new material in streets of such tremendous traffic as those where they have had it laid down, but they would render the example more complete, and do justice to the subject and to the citizens, by having the surface washed, in certain weathers, by the jet. The municipal authorities of the cities where they have command of a constant supply of water at high-pressure who did this would have the most complete sanitary street surface yet known. From some trials I got made at the first consolidated Commission of Sewers, it appeared the cost of cleansing the roadway of the Strand by the jet daily would be less than threepence per house per week. One of the methods then brought forward, of a hose with a moveable carrier, for cleansing the streets by jet, has been adopted in Paris, with great success, on the asphalte pavement. If a suitable pave-

ment were provided, we estimated that the streets of the whole of the metropolis might be kept as clean as a gentleman's court-yard at a rate of a halfpenny per week per head of the population—a rate that would effect a great economy of clothes, and of washing, and of merchandise.

The estimated quantity of water required daily for the purpose was about 11,000,000 gallons. From some gaugings I got made of the run of water in the sewers on days of the intermittent supplies in the metropolis, it was demonstrated that, from the imperfection of the house distributory apparatus, full three-fifths of the water then pumped in, or about 30,000,000 gallons, was pumped to waste. Since then the quantity of water pumped into the metropolis has more than doubled, and it is stated to me, by a leading engineer of one of the largest water works, that the waste has increased in larger proportions. Under a public system a part, probably not much more than a third, of the preventible waste would amply suffice for the existing purpose of surface cleanliness. Mr. Heywood, the city engineer, has lately renewed some trials of this mode of cleansing for the carriage ways, and he made out that for about 14,651*l.* per annum the whole of the 390,000 yards of carriage way could be washed daily. The estimate I got made included the footways. I have a confident belief that if the measure had come before us one could have provided for the work being done much cheaper than that, but as it is, it would be a means to enormous economy. The New River Company charged to him 6*d.* per 1000 gallons for the water supplied. The expense of extra pumping for the water is under one halfpenny for that quantity, and the public would have to pay no more if the water supply was taken up as a public service, as the last Royal Commission concurred with us in recommending that it should be. It is to be borne in mind in respect to the common mode of cleansing, that the broom, and even Sir Joseph Whitworth's admirable street-sweeping machine, whilst it takes away the great bulk of the mud, smears the dung, especially fresh dung, and leaves the surface daubed and greasy; and that it is only by the strong water jet that complete cleanliness is effected. Shop-keepers in the streets newly paved with the Val de Travers asphalte, have stated to me that there is no slipping by the horses noted on dry days, or on very wet days, but that such slipping as there is occurs on days of moist, "muggy" weather, when the roadway is "greasy," and that much of it is from the mud carried on from adjacent granite roads. On such days cleansing by jet should be insisted on for the prevention of cruelty to animals. Sanding the roads has been suggested for such occasions, but sanding adds to the dust carried about by the winds, and some of it deposits in the sewers, an evil which we wish to prevent. It besides serves to diminish constant habitual and complete cleanliness, by which all mendicant crossing sweepers should be cleared away, as it is a mere barbarism that there should be any part of a street to be kept exceptionally clean at a crossing. Every part, every shop-front should be kept

clean as a crossing. It is in the common conception to confide street cleansing to paupers and cripples under inferior superintendence; but when the sanitary importance of the work, and the need of regard to times and seasons is duly appreciated, the work will be confided to skilful hands, under superior and even scientific superintendence, with a special interest to maintain the most scrupulous civil cleanliness to the eye, and the utmost possible sweetness of the air to the nose. Under existing circumstances, and the difficulty of finding proper persons for the new work, local authorities may be advised that instead of undertaking it themselves they should require a contra ctingpaving company to maintain the carriage roads and footways and passages in good action and repair for the longest term of years, and also that they should undertake the work of regular and complete cleansing, for which purpose they should have the control of proper supplies of water and the requisite appliances. The local authority would devolve its responsibility on the company, which would have the greatest experience, and in its own interest would take care to have the work done in the best manner.

There is one collateral service for which we are anxious there should everywhere in cities be habitual and complete street cleansing by the constant use of the jet for which the asphalte surface is so peculiarly adapted, namely, the prevention of fires. One bucket of water the first minute of a fire may be worth ten for the second, twenty for the third minute, and so on. We found that in London, on the average, it took twenty minutes to send for a fire engine and to get it to the fire and in action upon it, and that as a rule, such engines do not save the interior of houses, but only prevent the fire spreading to other houses. But where the hose and jet was in regular use for street cleansing the hose was buckled on, fires in four or five minutes were commonly prevented spreading within the houses, and fire risks were considerably reduced. Apparatus for extraordinary use, especially fire apparatus, is rarely in order when it is wanted. The constant use of the jet is a security for constant preparation for the extraordinary need of it.

Of course there are some days when the jet cannot be used; days of snow and of intense frost, and when other appliances must be had. In ordinary weather, the smooth surface, clear from retentive wet mud, and dry, serves to prevent evaporation and to elevate temperature. But there are days of intense and dangerous heat, where a pavement with a material such as the Val de Travers, which I am assured stands the heat of Bombay, will serve as a means of lowering temperature. On occasions of very severe epidemic visitations in crowded districts, when the heat was intense and fatally depressing, when jets were used, as I have mentioned, the relief was great, though it would have been greater had the surface of the courts or closes been impermeable, smooth and cleanly. Dr. de Renzy, our sanitary commissioner in the Punjab, writes to me, urging that the use of the jet is capable of being applied with most beneficial effect

for cooling barracks and houses in India. "Excessive heat," he says, "kills a large number of men there, just as excessive cold does in this country. And, strange to say, the deaths from heat apoplexy do not as a rule occur at the period of maximum diurnal temperature but between sunset and midnight. At that time the wind is usually slack, and the barracks are as hot as ovens. I have proposed the jet for the purpose of giving the barracks a good washing just about sunset. This would cool them immensely, evaporation in that climate is so rapid, there being often a difference of as much as 43·7 degrees between the dry and the wet bulbs of the hygrometer, and the temperature at night for two or three months ranges from 90 to 107 degrees Fahrenheit. Officers and well-to-do natives usually have the ground about their houses sprinkled with water about sunset by a water carrier, and you can hardly believe how much it refreshes the air. With a supply of water under pressure, the use of the jet would become universal, and the house itself, as well as the precincts, would become cooled."

For such occasions in London and elsewhere, what is called "sanitary street-watering," by solutions of various chemicals in solution in water, as carbolic acid, Condy's fluid, and various deodorisers, are insisted upon for distribution by water-carts, over the common roads and passages, that is, over mud, dung, and excrement-sodden surfaces. But with such pavement as that in question, such sodden surfaces would no longer exist, and the best and cheapest "sanitary street-watering" is that with the jet of pure water.

For the highest degree of cleanliness, even in the front streets, it may be observed in the city that they ought to be protected from the dirt brought upon them from the ill-cleansed side streets. Some of our urban districts have a good character from the unexceptionable cleanliness of the front streets, whilst in the back streets, occupied by the wage-classes, all is commonly neglect and filth.

The districts occupied by the many—the wage-classes—require a special attention and consideration which they have not yet received. In some of these districts, in the manufacturing towns, a missionary visitor may observe in a dirty lane or unpaved alley the steps of one house nicely cleaned and pipeclayed. That is a house occupied by new comers, a young married couple, who have been brought there from the rural districts by the inducement of high wages at the manufactory, and they could get no other house near the work. On repeating his visit some time after, the visitor will find that the distinction of the clean steps, and also of the clean floor, has disappeared. The housewife has given up the contest with the surrounding filth from the muddy, unpaved place, and the children, in their rural home once cleanly, have become almost as dirty as the house floor. She bewails the fact that the labour of trying to keep them clean is in vain; they will go out to play, and roll themselves in the mud. Then, being always so dirty, she is ashamed to send them to school. To withstand the depressing influence of the damp and the filth of the place drink comes in, and so all are lowered to the

surrounding filth, and, with higher wages, they sink into a lower physical and moral condition.

Now, it is to be maintained, as a duty of the local authorities to provide such paving and cleanly surface conditions in the poorer districts, that there will be no mud for the children to roll in, or to make "mud pies" of, if they would. It is for the local authorities, and in their default—the default, commonly, of low landlords—it is for the central authority so far to make the population clean—as may be done by cleanly surrounding surface pavement. Of course, a special economy is to be consulted for such work, and is available for those districts where there is little quick carriage or horse traffic, and where the same peculiarly hard road-surface is therefore not needed. It is to be hoped that a smooth, non-absorbent, and washable surface, may be got at cheap rates by the use of General Scott's "celenite," or some of the concretes, at least for foot-paths and for court-yards. I myself have a fancy for one form of tile with a rabetted joint for foot pavements, which I wish to see tried. The cheaper gas-tar asphaltes have some merits, but unless they are very well made they soften and smell offensively under summer heats. I am informed of examples in Germany of the use of a good smooth Portland concrete for paving of play-grounds of children's institutions. Indeed, I know of one institution in the metropolis where a saving of one-half the shoe-leather was experienced after an improvement of the surface, and the cost of shoes is a very large proportion of the cost of clothing to the working classes. A general economy of shoe-leather to the bulk of the population is to be taken into account as attendant upon an improved surface pavement. The sanitary economy in childhood from the prevention of noxious subsoil emanations, as well as surface emanations from damp, and filth, and dust, will be of itself very considerable.

For these reasons chiefly, I have taken a personal interest in this Val de Travers pavement, as realising more than we expected in the amendment of town pavement. It were to be wished that the material were more abundant, that it might be obtained cheaper. As it is, however, although there appears to be no economy in the first construction, as compared with granite, there are evidently very large economies in its use—economies in cleanliness and health, in the preservation of clothes and furniture, in goods as well as in horse-power, and in carriages.

The examples of the economies specified are, however, much frustrated by carrying out the Val de Travers pavement in isolated patches; nor is justice done to the material in respect to cleanliness, while it is subjected to the dirt of side streets and old pavements; nor indeed are the horses fairly dealt with in being suddenly pulled up and made to change their action for short distances. It is obvious that if the concert of different jurisdictions be impracticable, unity of administration will have to be sought for the attainment of the benefits available to the public from the improvements.

Unfortunately for the population of the metropolis, and of some

others of our cities, the local administration itself is yet retained very much in patches. Even for one line through the metropolis, the action of eleven local authorities would be needed. In some places we found that streets were divided longitudinally—one longitudinal half being paved and repaired by one parish at one time, and the other half by another parish at another time. The longitudinal halves, too, were cleansed by halves, often by the scavengers sweeping the dirt from one parish into the other. We proposed to remedy this state of things, by a provision that the paving should go with the general superior drainage jurisdiction, and should comprehend the entire metropolitan area, including the suburbs. It is only on the complete scale of a city and suburbs that the recited economy of horse-power can be achieved. The horse-traction may be reduced by more than one-half on a particular line, but beyond it and for the unimproved suburbs, the double horse-power will still be needed. As it is, however, the shopkeepers of Cheapside and other streets declare that they are satisfied even with the partial improvement and better cleansing surface for themselves. It is stated that some of the vestries amongst whom the main thoroughfares are divided, whilst admitting the demonstrations of improvement which are not to be withstood, state they will wait until their present granite pavements are worn out, or until their contracts for the maintenance and renewals of the objectionable conditions are expired. Meanwhile, by this apparent saving real waste is maintained, excessive filth is being maintained, shop goods are being spoiled, discomforts inflicted, and health deteriorated.

With the new available materials, the professors of sanitary science and economical science may put these questions to urban populations:—

Will you obey the command, "Wash and be clean?"

Will you pave so as to enable you to do so?

Will you pay for good paving and cleansing, to save the direct expense of filth in clothes and extra costs of washing?

Will you pay for good paving, to save more than half the expenses of horses and carriages and the costs of transit?

Will you pay, in good paving and cleansing, to reduce the greater expense of the filth diseases?

I will only add that, in the investigations to which I have referred, one large sanitary policy was kept in view, that by the measures we proposed for facilitating and cheapening intercommunication, which we were prepared to recommend should be done to the extremities of the suburban relations, the evils of internal overcrowding would be reduced. For the removal of the well-to-do classes to suburban residences extends and cheapens house accommodation to the urban population. If it were possible to drive back the suburban population upon the city, where they have to transact their daily business, or upon the interior of the metropolis, and pile story upon story for their reception, the effect would probably be, in the existing conditions, a double death-rate. In the interests of the interior population, we

were prepared to recommend the radiation of public tramways to the extreme of the civic external daily relations. But tramways provide chiefly for one class of society, not for another. They do not provide for the higher class of villa residents, including medical men, to whom it were desirable to provide means of doing with one horse what they must now do with two, as also for much goods' traffic and retail distribution. When we were prepared to recommend the use of tramways, from the out-skirts to the extent of the suburban districts, it was of the open stone tramways, such as had then long been in use in connection with the Commercial Docks. But the existing iron tramways I have had experience of, are annoying and injurious to private carriages. Mr. Hooper, the carriage builder, informs me that he has had much to do in repairing injuries done to carriages in going over the new iron tramways. The tendency of carriage improvement has been to make wheels lighter, and the tyres smaller, but he has been obliged to make them larger to avoid getting into the tramway ruts, and getting jolts and severe wrenches. I believe that an impartial authority giving due consideration to the needs of gigs, tradesmen's carts and trucks, and the owners of vehicles of low as well as of high degree, would prefer the smooth asphalte surface, open to all, to the iron trams as at present constructed and used, certainly to any extension of them, into the streets of heavy miscellaneous traffic. Surely some special powers for dealing with lines of street, extending through small fragmentary jurisdictions, to be exercised by a responsible public authority, may be conceded for the achievement of the sanitary and other economies in question, with the consent of the occupiers of lines of way, without waiting for the slow advance of large legislative and administrative principle, for the general government of the metropolis. Time will, however, vindicate the principles we have expounded.

The time will come when a local administration will be tested, especially in the lower districts, by the smell of a place, and by the look of the people inhabiting it.

MISCELLANEOUS.

Mr. Edwin Chadwick, C.B., also read a paper on "The Sanitary Construction of Schools."* He said that schools as at present constructed were the centres of children's epidemics. An excess of 5,0000 deaths annually in England and Wales in the school stages of life, medical officers had agreed with him was largely due to the school conditions; the massing of unwashed children together in ill-warmed and ill-ventilated schools, and to keeping them during long hours together under those conditions. The increase of these masses, without regard to those conditions, was an augmentation of preventible disease and premature mortality. The chief sanitary

* See *Society of Arts Journal*, vol. xix., p. 856.

defects of schools are :—(1.) Defective ventilation ; (2.) Defective warming; (3.) Bad drainage and foul latrines; (4.) Want of means of maintaining personal cleanliness; (5.) Bad lighting ; (6.) Bad arrangements of desks and seats; (7.) Want of proper means of gymnastic exercises; (8.) Insufficient and ill-paved play-grounds. In reference to these the author submitted that it is important that school boards should require, in the competition for plans, that these evils should be first specially considered and provided against, and that the architectural designs and elevations should be made of secondary consideration. He advocated, in preference to other methods, a return to the Roman plan of warming rooms by hypocaust floors; or an adoption of the Chinese method of floor warming, which travellers declared the most comfortable of any they had ever experienced. It was also the most economical. As one mode of effecting the object, he had proposed a form of tile with rabetted or lock-joints (with a species of supports), to be made of celenite, or Portland concrete, or pottery. By these appliances he was assured hollow floors might be constructed at an expense no greater than that of common floors. Experience showed that when the children's feet could be kept warm doors and windows might be more freely opened. Every school should have the means of washing with tepid water children who came dirty.

The school, properly considered as an efficient implement for training the young, is one which must be carefully fashioned by the best practical sanitary science. Enough has been stated to show the deplorable state of the central administration—which, having received warning from school inspector after school inspector, and also from the medical officers of health in the metropolis—which, having the aid of a very expensive medical council, passes over these evil conditions unheeded and unprovided for in the school plans issued as models for local boards, and sends additional masses of children into these insanitary conditions, in violation of clear laws of psychology as well as of physiology. Some action ought to be taken for the public protection in respect to such an administration.

Mr. W. G. Habershon read a paper on "Cottage Homes," illustrative of the manner in which the Central Cottage Improvement Society has laboured in providing improved dwellings for the working classes. The object of the Society has been to assimilate the cottages as nearly as possible to a cubical form, and to take out everything unnecessary, so as in reducing the size, as much as possible to reduce the cost also: The various plans and models exhibited showed the different developments of the leading idea. A pair of cottages with three bed-rooms cost 200*l.* to 225*l.*, a single cottage, 100*l.* A triple cottage, which contains separate dwellings, respectively of three, two, and one bed-room, under one roof, may be justly deemed a success. It costs 300*l.* under ordinary circumstances, and is convertible to village school, cottages, hospital, or

single superior dwelling. Cottages suitable to miners, or for towns, in groups of three or more, have been suggested by the Society, to cost less than 100*l.* each cottage. The general principles to be observed in building good cottages were enumerated as follows:—(1.) Due and right position and relation of the openings of doors, windows, and fire-places, so as to secure warmth and comfort; (2.) Chimneys being brought together in centre of roof, and fire-places in each room, if possible; (3.) Care in window openings to bring in air without draught, and to secure their easy regulation, and entire exclusion of wet; (4.) Boarding of upper floor forming ceiling of lower rooms, with due provision, giving greater height, better ventilation, and facilities for cleansing and renewal; (5.) External offices, and water-closets, good drainage—and cesspools, when unavoidable, as far as possible from the cottage—earth-closets greatly preferred: (6.) Gutters, hips, valleys, and all projections, to be avoided as much as practicable; (7.) Ventilation by hollow walls, cavities, tubes, air bricks, and perforated zinc, so arranged that the tenant cannot stop them up. Of material, preference was given to concrete, in blocks of fixed size, forming a nine-inch wall, with three-inch hollow spaces. The advantages of this mode of construction were stated to be many, and the economy great. Drainage, check-damp stoves, the size and height of rooms, provisions of dressers, closets, &c., were also commented on in regard to domestic comfort.

A paper by James D. Morrison was read "On the Realization at Home of any British or Foreign Climate required for the Recovery of Invalids," by a process which was described as follows:—The system consists in so circulating pure fresh air (through a warming chamber) into the room, and foul air (through the fire) into the chimney, that all local currents are resolved into one, which, describing an unbroken circuit, forms an upper warmer current from the fire to the opposite wall, and an under colder current (under the floor) from the wall back again to the fire, when, after supporting combustion, the products escape up the chimney. The vacuum thus produced by the warmer current through the chimney creates the now colder current from the atmosphere, which, passing through the heating chamber, supports the respiration of any number of invalids undergoing climatic treatment. It will thus be seen that the system, syphon-like, is an endless revolving bell of air capable of carrying any amount of moisture, and consequently of giving effect to any required electrical condition. Being a current, any use can be made of it to carry, as cases may require, the perfumes from the flowers of this or other countries, also all such medicines as by solution can be finely divided by spirit or water.

Dr. Joseph Seaton read a paper on the "Ventilation of Ships and Sewers," by which he proposed to connect the sewer with an ordinary furnace, which might be placed at the outside of the house.

These furnaces he would so construct as to receive the air necessary to sustain them entirely from the sewers, and by this means the noxious gases would be destroyed. The writer proposed applying the same principle to ships.

A paper was contributed "On the Purification of Water and Sewage by Spongy Iron," by JUSTAR BISCHOF, Professor of Technical Chemistry, Andersonian University, Glasgow. The paper stated that water which is not actually bad, but of a doubtful character, may be perfectly purified by filtering through a layer of spongy iron, one foot thick, at such a rate that one cubic foot of water passes through a cubic foot of spongy iron every five minutes. Water which contains a greater amount of impurities—for instance, sewage—must be allowed a proportionately longer period of contact with spongy iron. Some practical trials, the author said, were being made, with a view of testing the method, the results of which he hoped to lay before the Association on a future occasion.

A paper was contributed "On Sulphate of Iron as a Disinfectant," by Dr. T. MOFFATT. The writer stated that by chemical analysis he had found that a bushel of wheat, grown upon new-red sandstone, contains $\frac{3}{4}$ of an ounce of oxide of iron, and $7\frac{3}{4}$ ounces of phosphoric acid, and that the same quantity of wheat grown upon the carboniferous system contains $\frac{5}{16}$ of an ounce of oxide of iron $5\frac{3}{4}$ ounces of phosphoric acid. From these results, then, it would appear that the dwellers upon the new-red sandstone, who consume the wheat grown upon that system, take in much more oxide of iron and phosphates, or nutritive salts, than those who dwell upon and consume the wheat grown upon the carboniferous system. To meet this deficiency of the oxide of iron in the wheat grown upon the latter formation, he suggested that the sulphate of iron be used as a disinfectant.

The following is an abstract of a paper on "Atmospheric Poisoning of Houses by Arsenical Wall-coverings." The paper stated that there is one question closely connected with the sanitary condition of dwelling-houses, which has hitherto been unaccountably neglected by those in charge of the public health, and that is, How are our walls covered? With paper, paint, and distemper wash, containing the deadly and volatile poison of arsenic, which is continually giving off poison in the form of an impalpable dust, and also of arsenuretted hydrogen, which is gaseous at the usual temperature of the air. The fact that nearly all the green colouring now in use is arsenical has been indisputably proved by eminent analysts. Specimens can be produced of pale green papers containing six, nine, and even fourteen grains of arsenic to the square foot, and papers containing only a leaf or line of green in the pattern are arsenical and injurious. Yet such papers are to be seen everywhere; in royal palaces, in the mansions of our nobles and gentry, in lodging houses, and in the homes of the middle and industrial classes in

town and country. Medical men have these poisonous papers on their walls, and suffer from them unawares. Arsenic was first employed in the manufacture of wall papers about the beginning of this century, and its use has been on the increase year after year up to the present time. If we cover our walls with a poison which is not only deadly but volatile, can we wonder at deterioration of health and of race? My own experience of the danger of arsenical wall papers extends over a period of fourteen years, during which my entire household, numbering fourteen persons, suffered severely. Many physicians were consulted, but the symptoms baffled them all. My eyes were at last opened by reading "The Green of the Period" (Routledge), and analysis proved that every paper in the house which contained a speck of green was arsenical: these were at once removed, and a Turkish bath put up in the house, by using which daily, symptoms threatening fatal results were quickly relieved. But now follows an important point, proving that arsenic is not confined to green colouring as supposed, but is used in papers of all colours, and even in white. Our papers containing green were replaced with others totally devoid of green, but in a few months' time many alarming symptoms reappeared. Suspecting arsenic again, I had all these papers analyzed, and arsenic was found in the paper of every bedroom in the house, though not one contained even a speck of green. On removing these papers, and colouring the walls with whiting and size, tinted with safe colours, relief soon followed, and health has since steadily improved.* It often happens that dangerous arsenic papers are concealed underneath harmless ones, owing to the pernicious custom of putting one paper over another. A very severe case of poisoning by this means has recently come under my notice. Many of the pigments now in use appear to contain arsenic, therefore, in substituting paint or wash for paper, it is important to know of what the colours are composed. There is, I am told, a "new blue" used for colouring walls, which contains arsenic, and the green distemper wash so often used instead of paint is almost invariably arsenical; being totally unglazed it is all the more rapidly injurious. But the gaseous exhalations of arsenic have been found dangerous, both from glazed papers and oil paint, as was proved at Munich in 1860. The Prussian Government, recognizing the danger, "forbad the use of arsenic in any colours, whether distemper or oil, for indoor work." Yet in this country arsenic paint is freely used on the walls of our rooms, and on Venetian blinds; the green paint used for these latter articles containing about 75 per cent. of arsenic. Of what use comparatively speaking are restrictions on the sale of arsenic by druggists, when painters and paper-makers can purchase it in unlimited quantities, using it by tons weekly for wall-papers, and thus poisoning the population wholesale? Legislation in this

* Further details on the whole subject are given in two articles contributed to the *British Medical Journal* of July 22 and September 30, 1871.

matter is urgently called for, to make penal the use of arsenic in any form in the interiors of houses, and to provide legal protection and compensation for the victims of this iniquitous mode of poisoning, the existence of which, unchecked, is a disgrace to our Government. There is also another question to be dealt with—How to get rid of all the arsenic now on our walls, which without doubt is permanently injuring the health of the present and rising generation, and through them, future generations? How can anything but deterioration of race result from living, and bringing up children, in atmospheres where every breath that is drawn conveys a deadly poison into the blood? The cerebral symptoms produced by arsenic are peculiarly deserving of attention, and offer a wide field for investigation to physicians who devote themselves to the study of diseases of the brain and nervous system. Fevers and eruptive diseases appear to result not unfrequently from this mode of blood-poisoning, and who can say how much of epidemic disease and mortality therefrom, may not be in a great measure due to this cause by predisposing the system for its reception and by the prostration of strength which would tend to induce fatal results in attacks not of themselves dangerous. I would conclude by drawing special attention to the bearing of the whole subject on the expected visitation of cholera; one marked effect of arsenic being to produce choleraic diarrhœa and other symptoms akin to that disease.

Mr. CHARLES SLAGG, C.E., of Kingston-on-Thames, contributed a paper on "Filtered Water Shower and Swimming Baths to be placed on Rivers." The proposition was to place floating baths in the current of a river, and by means of tide wheels, or current wheels, to utilize the motive power of the current to pump water into the bath from the river, entering the well through a filter in the bottom of the vessel.

A paper, by Professor F. CRACE CALVERT, F.R.S., "On the Action of Heat on Protoplasmic Life dried on in Cotton Fabrics," was read.

ECONOMY AND TRADE.

THE LICENSING LAWS.*

What Amendments are needed in the Existing Laws for the Licensing of Houses for the Sale of Intoxicating Liquors?

THE first paper on the question was by Mr. Alderman Tatham, of Leeds, on "The Regulation of the Drink Traffic, and Amendments needed in the Existing Licensing Laws." The writer said the existing laws had failed, because they were not administered fearlessly and efficiently. Drunkenness and disorder were allowed in licensed houses, and many of them were the resort of thieves and prostitutes. Licenses were renewed very much as a matter of course, without regard to the character of the house licensed. By a legal fiction the law was interpreted to mean "to meet together for an unlawful purpose," and thus it was that many houses retained their licenses, though disorderly conduct was proved against them. Even in cases where the law had been directly contravened the licensee often had his license renewed by the magistrates of Brewster Sessions, who dreaded having their decisions set aside on appeal to the magistrates of Quarter Sessions, who did not so well know the merits of the case. As regarded drunkards, no penalties were attached, unless they were found to be "drunk and disorderly," or "drunk and incapable." In this way the drink interest was petted and pampered at the expense of morality. Having adverted to the beneficial influence experienced at Saltaire, a town owned by one firm, and containing a population of 5000, where beer was not allowed to be sold, but where afterwards licenses were obtained, he said that in six months men and women were drinking to excess, disorder and discontent arose, and the firm found they had committed a grievous mistake. The licenses were not renewed, and in six months afterwards the place was restored to its former satisfactory state. Bessbrooke, near Newry, was a similar instance of the benefits accruing where no drink was sold. Mr. Bruce's Licensing Bill having been withdrawn, the question was what should now be done? His reply was (1st), make the best possible use of the present laws as they stood; (2nd) interpret them in the light of the preamble of 1552, which spoke of the "intolerable hurts" arising from tippling houses; (3rd) administer them, not as now in the spirit of indulgence and

* See *Transactions*, 1866, pp. xli, 609, 725.

encouragement, but in that of restriction and repression; (4th) let the presence of drunken and disorderly persons be taken as evidence of allowing drunkenness and disorderly conduct in the house or premises, and the presence of thieves and abandoned women as proof of allowing persons of notoriously bad character to assemble and meet together therein; (5th) the police should be instructed to watch all licensed houses, and to report all cases of infraction of the law as above; (6th) let magistrates inflict, upon conviction, the penalties provided in such cases, and at Brewster Sessions refuse to renew or transfer licenses to persons who have been convicted of offences, or whose houses are reported by the authorities as the resort of persons of notoriously bad character; (7th) abolish the appeal from Brewster to Quarter Sessions; (8th) repeal the Beer Act of 1830, and suppress all beerhouses; (9th) repeal the Wine Licensing Act of 1860; (10th) pass a Sunday Closing Act (permissive if preferred), except for *bonâ fide* travellers; (11th) require earlier closing and shorter hours on other days; (12th) reduce the number of public houses; (13th) allow no music, dancing, or billiard license, in conjunction with the license for the sale of intoxicating liquors; (14th) prohibit the opening of public-houses during contested elections, or for election purposes at any time; (15th) above all this, insert in any license Bill the veto clause, giving the ratepayers power to prohibit the traffic in their own localities, whenever a vote of two-thirds may so determine.

Mr. H. C. Greenwood, barrister-at-law, and honorary secretary to the National Association for Promoting Amendment in the Laws relating to the Liquor Traffic, also read a paper on the subject. The author, sketched historically the more recent attempts to amend the law, deducing the inference that it was in an anomalous and most unsatisfactory condition. In dealing with excisable liquors, the legislation has two objects in view—a police object, *i.e.*, the maintenance of public order; and a fiscal object, to increase the revenue. He then stated the immediate objects of the Association which he represented. It proposed to take away the power of licensing from the magistrates and to give it to a licensing board, composed of ratepayers elected periodically. Secondly, that there should be but one uniform license, which should include the right to sell all descriptions of liquors, and for which an adequate payment should be made, according to the value at which the house was rated to the poor. Thirdly, it proposed to separate music and dancing saloons, and houses of similar entertainment, from public-houses, and, in fact, from all places for which a licence had been granted for the sale of intoxicating liquors. In the present state of public feeling it did not propose to do away with them, but it said that only non-intoxicants should be dispensed at such places. It further proposed that no election committee or meeting of benefit society or club should be held in a public-house; that penalties should be enforced on drunkards and on persons wilfully supplying

them or any young children, permitting gambling, and adulterating liquors, testing officers being appointed ; and, lastly, it would rejoice to see the public-house close wholly on the Sunday—a matter, however, which it would leave the public to decide. At present it proposed that they should be closed, with the exception of two hours in the middle of the day and two hours in the evening.

DISCUSSION.

Mr. J. A. Bremner (Manchester), Chairman of the National Union for the Suppression of Intemperance, said : On this subject we must be guided by reason and not by feeling. Of the propositions before the Section, one sprang from the platform of the Alliance—the permissive prohibition of the sale of alcoholic drinks ; and the other from the London organization, which said that the licensing power should be formed by the votes of the ratepayers. The members of the Alliance, and he was one of that body himself, should for a moment almost shut their eyes to the problem of total prohibition. By extreme doctrines they frightened away many moderate men who would help on moderate legislation. For the present we must simply aim at an amendment of the licensing laws, and the hinge on which the whole question turned was the licensing authority. Though we might not agree in the details, there were certain grand principles upon which all could agree ; and the main and great principle, which all were beginning to recognize, was the right of popular interference and popular control. For years the people had suffered under a state of things which they had not themselves brought on. It was high time, therefore, that the people should have given to them some power of self-protection against the perpetuation of a system so disastrous. He, therefore, most cordially adopted the principle of popular control. But when we came to analyse the machinery by which that popular control was to be applied then, perhaps, all might not agree. The second paper suggested that a licensing board should be formed by the will of the majority of the ratepayers, therefore a licensing board might be of any character according to the will or accident of the majority of the votes. There might be brought to the board men who would go in for total abolition of the liquor traffic, and on the other hand, men pledged almost to promote the interests of the traffic. It would be dangerous to introduce such a speculative piece of machinery. Much as he admired the working classes, their energy, and the manner in which they had borne unmerited evils, he would be sorry to run the risk of increasing those evils by giving them the absolute control proposed. What was the condition of the masses of the ratepayers who were to deal with this question ? Too many of them were sunk in intemperance. Ought they to be the men to give their votes for the licensing board ? Many would hail with delight any amended legislation, but the vast majority were fond of their glass of beer, and many of these respectable artizans would not—and it would be Quixotic to expect them—as a body immolate themselves as it were on the altar of their country's good by sacrificing their moderate appetites. Therefore, we were in this position that we were going to entrust the formation of a most important board to the majority of ratepayers, the condition of whom was not satisfactory. What was the educational condition of the country ? The people were only just emerging from a state of ignorance. Further, what was the domiciliary condition of the ratepayers ? He did not know whether the temperance question or that of the dwellings of the poor was the more important. His conclusion was that the ratepayers were not yet in a condition to have this question entrusted to their absolute will. We must not give the reins to the horses without reserving some control. Gladly would he hail the day when such might be the case. The only difference he had with the writer of the paper and with the Alliance was that they were a little before their time. Let the education car go on, and the day no doubt would arrive when the people might be entrusted with the licensing power. What then could be done ? He had confessed that the people had a right to

control. He, therefore, suggested that a plan should be devised by which the number of drinking houses in the country could be reduced to a certain maximum, so that beyond that number as a maximum the magistrates, who should be the licensing authority, should not grant a license to a single house. Power to increase the licenses beyond that limit should be entirely at the will of the ratepayers. By such a plan we should recognize, as far as we were justified in doing so, the right of popular control, and we should thus have done all that we could to reduce the present drinking facilities. By such a simple plan we should do more to settle this question than by any other that could be devised. By settling the point as to the licensing authority we settled the whole question.

Mr. S. FOTHERGILL (Keswick) reminded the meeting of a remark in the admirable address by Mr. Hastings upon the very great importance of being scientific, and trusting rather to principles than to expedients in these questions. It would be found, if we examined the expedients of this country and of America, that the total prohibition of the liquor traffic was incomparably easier than any efficient system of licence. This had been proved in America over and over again, and by the experiment of Bessbrooke in Ireland. But the question now for consideration was in what way should the licensing laws be amended? Who should be the licensing body? He had a decided objection to giving the licensing power to the people in any manner whatever. There was a vast section of the community, comprehending those most interested in that question, namely, the temperance reformers, who, on principle, would object to have any part whatever, in granting a single licence; and, therefore, supposing the ratepayers were to have the power of electing the licensing board, the temperance reformers would be out of court altogether. We knew very well that in the municipal and other local elections, very injurious influences operated. It was known, too, that the magistrates had been influenced, or that persons anxious to obtain licenses had influenced them in the discharge of their duty under the present system. The transfer of the licensing power to the ratepayers would not mend the matter; on the contrary, it would render it, if possible, a great deal worse. If there was to be a licensing power at all, it ought to be vested—on the principle they had heard so ably advocated that morning, with regard to medical officers—in a magistrate or commissioner appointed by the Crown, and responsible to the Crown only, who should go his rounds and be known in the neighbourhood only as the licensing magistrate. It should be his duty to hear evidence on both sides, and then to decide, and from his decision there should be no appeal whatever. In regard to Sunday closing, he thought that question could not be left untouched. One of the papers had suggested that the public-houses should be opened for four hours on the Sunday, but his impression was that no Bill which contemplated anything short of a total closing of such houses on the Sunday would either meet the requirements of the case, or satisfy the public.

Mr. J. T. HOSKINS (London) proposed that the power of complete control over the liquor traffic should be vested not in parish boards, but as Mr. Hastings had suggested in regard to sanitary regulations and local finance, in county boards. Why should we not have county boards to control the liquor traffic, elected by the ratepayers? The maximum limit of public-houses and beer-houses might be one to every 500 of the population; and the limit on the other side not less than one to every 5000 of the population. Of course, if there were not a corresponding amount of applications for licenses there would not be so many as one for every 500. The present proportion was one to every 180, or one to every 204 of the population. It was the greatest mistake to suppose that we could be intemperate only in drinking intoxicating liquors. Though he respected the total abstinence party, he held that they should throw their whole strength into the question of licensing reform. Let them consider what strength the Government would have if they thus acted. Permissive prohibition might come afterwards if they liked. In dealing with this question they must not ignore the necessity of adopting the suggestions of the Committee of the Province of Canterbury, which he considered of more importance than any number of licensing laws, namely, the suggestion for the erection of training or domestic institutes for teaching women domestic economy. A man would go to the beer-shop and indulge if he went home and found the meat badly cooked, and tough and stringy.

Mr. WALTER MORRISON, M.P., said the fate which befel Mr. Bruce's Bill of last

session brought into clear prominence the immense power possessed by the organization of the licensed victuallers. That was a lesson which he thought would not be lost upon their opponents, who would doubtless work in harmony for the future; and in discussing the licensing question he believed it would be found that all true friends of temperance, many of whom were brewers and other persons connected with the trade, would endeavour to work together in order to produce a satisfactory result, instead of flying at each others' throats. Representative men would no doubt appear among those interested in the traffic who would be willing to meet their opponents half way. Free trade in the sale of drink had been tried on a sufficient scale to decide it at Liverpool, and it had been unanimously pronounced a failure. Only one possible alternative presented itself, and it was more or less to regulate the monopoly. If we were to have a regulated monopoly he was not sure that we could carry that principle too far. As a mere question of abstract principle, he would prefer to see the dealings in intoxicating liquors confined to some public authority. He would distrust any local board or town council as a licensing body, for he believed persons would endeavour to get on those boards for the purpose of promoting the sale of their own goods. It seemed to him that the first thing we ought to do was to secure the continuance of the Suspensory Bill, until we got the Government fairly to face the question. That Bill itself would restrict the number of public-houses, but that was not enough, for some further system of reducing them would be necessary. He held that compensation should be given out of what might be called a license rental. In proportion as the number of houses in any given locality was diminished the profits of each of those left would be increased. He thought we ought to compensate the publicans who should be suppressed. By ascertaining the amount of beer which went into each public house, we should be able to ascertain approximately the additional amount of profit which accrued to the houses left owing to the suppression of certain others. One of the evils of the present system was that the existing beer houses were so numerous, and each of them did comparatively so small a business, and made so small an amount of profit, that it was no very great punishment to a man to lose his license if he was convicted by the magistrates. But if we had houses highly rated, and which had been fitted up at considerable expense, the loss of a license might mean practically ruin, and the publican would be very careful not to keep a disorderly house. He thought that it would be well to give a trial to the system of licensing boards. The objection to them was that at the elections they would have all the power of the licensed victuallers exerted to return men of their own way of thinking. But even now there was no very great grumbling as to the mode in which the law was administered by the magistrates, and very often that grumbling was not at all deserved, for the fault was rather in the law itself than in those who administered it. Still it would be a healthy thing that those in the midst of whom the evil existed, should have placed in their hands the power and the responsibility of diminishing it. One very important thing to bear in mind would be to keep the boards solely to their functions as the licensing authority. It would be also highly important that what might be called the police clauses in the Act should be enforced by an entirely independent authority, and he did not see any better hands than those of the magistrates. There were many grave faults in Mr. Bruce's Bill, but at the same time it contained a great deal of very valuable matter. If the Government took up this question again next session, he earnestly hoped that the advocates of temperance would not make the mistake they made last time, of giving their support when it was too late.

The CHAIRMAN (Mr. Newmarch) said the object of their discussion was to draw out the truth and ascertain facts. He had been somewhat surprised that as far as the debate had gone, no reference had been made to the very important article which appeared in the *Fortnightly Review*, bearing the name of Mr. Justin M'Carthy, and giving an account of a visit he made on two occasions in the years 1869 and 1870 to the United States, when he discovered the entire failure in the State of Maine of the prohibitory law. He had no doubt the advocates of such a law had an answer to that article, and if so he thought it should be given.

The Rev. J. COMPTON (Leeds) dissented from the injunction to suppress all

feeling in this matter; for no great reforms could be effected in this country in the face of the vested interests and the strong organizations to uphold them, without mighty feeling. He hoped that instead of discouraging feeling upon a matter so affecting the interests of the country, we should try to evoke feeling sufficient to enable the Government to carry a good licensing Bill, in which there would be a clause giving the people, where they were so minded, power to rid themselves altogether of the traffic.

Mr. GEORGE POTTER (London): There were three very influential and powerful parties in the field—the United Kingdom Alliance, the National Association, and the licensed victuallers. It was evident that the power and influence possessed by the licensed victuallers throughout the country were very great; and if it was wished to get a reform of the licensing laws next session there must be united action for that purpose on the part of all those who wished to suppress intemperance. He was there speaking on behalf of the intelligent artizans, and he affirmed that the artizans were as temperate and as desirous of reform in the licensing laws as any other class of society. There was a large number of people who did not belong to either of the three parties, and surely it would be wise to endeavour to get their concurrence and assistance. It would be better to unite and get the best reform we could, than to wait some years and get none. Believing in manhood suffrage he had been content to advocate household suffrage. We ought to be able to agree upon the minor question whether the licensing board should consist of magistrates or of men elected by the people. No Bill would pass which did not respect the rights of the licensed victuallers and deal with them in a liberal spirit. With these points settled, the way would be cleared for legislative enactments.

The Rev. HUGH SMYTH (Luton) said the magistrates were not responsible for the evils of the present licensing system, and he protested against the attacks which had been made upon them on account of the existence of those evils. They had been told that the multiplication of public-houses throughout the country was owing to the action of the magistrates and to the placing of unlimited power in their hands. He gave an emphatic denial to that assertion. Three years ago their hands were completely tied. It was true that they had the power to prevent the further increase of licensed victuallers, and again and again licenses were refused. The result was that the brewer defied them, laughed at them, and at once opened beer-houses over which the magistrates had no control. But as soon as adequate power was given them, and they were able to deal equally with beer-houses and public-houses, wherever there were magistrates worthy of the name, they commenced to execute that power. It had been said that the magistrates were under the influence of the brewers. Was it possible to suppose that the brewers would dare to make propositions to them in regard to the licensing of houses? He believed that they discharged their duties as independently as any elected board would discharge them. He was not opposed to placing the power in the hands of the ratepayers; but would a board elected by them not be subject to influence? He held that we must not take simply the principles of repression and restraint, but repression and restraint founded upon justice, and beyond that we could not and must not go. The magistrates would be the most fitting dispensers of licenses because they were constantly observing the character of the houses within their district. No body of men knew the actual state of the houses so intimately as they did. They also knew that three-fourths of the crime committed was the result of drink; and they were able to single out those houses from which it principally sprung and deal with them accordingly, and in a way in which no board could deal with them. The establishment of licensing boards would involve what, to his mind, would be one of the most deadly evils in a district—a contest in which the whole of the public-house interest would be ranged on the opposite side. Shortly after he took the last license away he found himself in a railway carriage *vis-à-vis* to a brewer who owned the house from which the license had been removed. He was good-humoured enough, but he said, "We shall have licensing boards soon, and then we shall beat you." There was no doubt that in many districts he was right, and that in such districts, which would be entirely in the hands of the public-house interest, we should have, so far as it could be represented hell upon earth. He could conceive no calamity so great as that would be.

He would suggest that one or two more of the members of representative bodies already in existence should sit on the bench on licensing days, not in numbers that would overpower them but balance them. In that way contests would be avoided.

Mr. CHARLES LAMPORT (London) regarded the statement that the majority of the ratepayers would not be able to bring a satisfactory condition to bear upon the licensing elections as a reflection upon the ratepayers. It amounted to this—that the majority of the ratepayers of this country were so immersed in the evils of drunkenness that they were incapable of exercising the privileges and duties of citizenship. The proportion of drunkards was not so high as it was thought to be, and it was but justice to the working classes for it to be known that such was the case. He had been an observer of the drinking habits of people in other countries, and the opinion he had come to was, that extensive as was the amount of drunkenness in this country, it was not greater than existed in either France, Switzerland, or Germany. He suggested that a board should be elected by the ratepayers to limit the number of houses to be licensed in a particular district, but that the election of the houses should rest with the magistrates, they being, from their knowledge of the crime and drunkenness occurring in those houses, the best judges of the individual character of the persons who conducted them. We should also not lose sight of the fact that not only would drunkenness be decreased by diminishing the number of the houses, but that those remaining would derive a large amount of profit from the increase of business which would take place in them; and his suggestion was, that they should contribute in proportion to the increase of their business to the revenue of the country.

Mr. RAPER (Manchester) in reply to an observation that had been made by the Chairman, said they were prepared to meet Mr. Justin M'Carthy with positive facts, that wherever prohibition had been enforced it had been successful to the gratification of every well-wisher of the community. In England the licensing power was vested in the hands of the magistrates, excepting the wholesale liquor shops. Some of the magistrates had earnestly set to work to diminish the number of public-houses, but there were thousands who had no desire to do so. The country was dissatisfied with the magistracy as a licensing authority. For thirty years he had protested against licenses being granted in his parish, and it was the rarest thing in the world to get a license withdrawn, and a resort for thieves thus swept away. The magistrates leaned towards those to whom they had granted licenses. He held by the resolution agreed to in 1866, in a large section presided over by Sir James Kay Shuttleworth, with the able assistance of a great number of magistrates—"That the circumstances of the country call loudly on the Legislature to pass a general measure to amend the law; and that this Section respectfully requests the General Council of the Association to consider the propriety of memorialising the Government to amend the licensing laws, and to insert a clause entirely prohibiting the granting or renewal of licenses wherever a large majority of the inhabitants so desire." Up to 1851 all the States in America had small licensing boards elected, and so many districts did those boards clear of public-houses, that they went in for a State law. That was the origin of the Maine Law. He had regretted to hear Mr. Potter, a representative man, fall into an exaggeration as to the power of the publicans. The selfishness which characterised the liquor traffic in this country was not a powerful thing; and he was thankful to be able to say that now it did not exercise the influence on the House of Commons to the extent Mr. Morrison would lead the Section to suppose. He was averse from a policy of centralization in this matter. Centralization had failed, and we could not go far wrong in letting the people take the granting of licenses into their own hands. Where a community did not want a beer or spirit house, in the name of all that was good let it not be forced upon them; and the Bill that would force such houses into their midst would be an unjust Bill.

Mr. JOHN JOWITT (Leeds) thought the proposition to place the licensing authority in the hands of stipendiaries the worst of three propositions that had been offered. On the whole, with an amended licensing system, we could hardly do better than leave the authority to grant licenses in the hands of the magistrates, because they, as it had been said, knew more about public-houses, and had better opportunities of judging of the way in which they were conducted than other people. Those who had to redress evils would be the best persons to cut off that

which gave rise to them. Temperance men of every shade ought to unite in supporting the Government in a more hearty manner than they did last year. He most heartily concurred in Mr. Morrison's suggestion to insist upon the continuance of the Suspension Bill until a good licensing Bill was passed.

Mr. MUNDELLA, M.P.: While acknowledging the great work done by the United Kingdom Alliance, he thought they had made a mistake in not supporting those who did not go quite so far as themselves. He did not ask them to cease their work, for they had done more than all the other temperance societies combined to diminish the evil of intemperance. If licensing boards were adopted the Alliance would support one party and the other temperance societies others, and they would have the publicans coming forward on a united footing *en bloc*, and they would certainly be successful. What he said was, give the ratepayers a voice in limiting public-houses and prohibiting them; but he warned them that if they did not sink their differences and unite they would be false to their own cause. He advocated the keeping of the licensing power in the hands of the magistrates. It was public opinion that governed the magistrates, as it governed everybody else. It had been said that they had been exceedingly indifferent and lax in the administration of the law, but they had not been encouraged to take any vigorous measures. When we did not impress the country with the evils of intemperance, we need not be surprised if the magistrates had not taken the thing to heart; but we had done so now, and we were doing so more and more, and if we had a proper licensing Bill, laying down certain restrictions beyond which they could not go, and bringing to bear upon them some influence, and letting the ratepayers have some control as to the number of public houses, he believed we would have a different state of things. We must not treat lightly the influence of the publicans; and we might depend upon it that now this question was before the constituencies, the publicans would use their influence in such a way as to prevent some of the best friends of temperance from again entering the House of Commons, and, therefore, it behoved them all to give the Government every support in their power to promote a good practical measure. We must remember that during the last two years more than 5000 public-houses had been closed through Sir Selwin Ibbetson's measure, according to the official returns; and he had been told by Sir Selwin himself, at the close of the session, that he believed more than 9000 public-houses had been closed under its provisions. Practically, those 9000 houses were of the very worst class. He asked the friends of temperance if they did not rejoice at such facts? If the Suspensory Licensing Bill were continued, and proper use made of the laws which existed, and the proper administration of those laws forced upon the magistrates, we should have a very different state of things, even if we never got a Licensing Bill. He stated frankly that he should be very sorry to see the want of respect for law which he saw in the New England States, and Massachusetts especially; and if he were asked whether the prohibitory law was doing good or not he would answer, "Yes, a great deal of good, and there is a great deal less drinking than in any other district of the same extent and the same population." But if they asked him if the law was kept, he was sorry to have to reply that it was systematically broken by senators and the other leaders of public opinion. It was not only in towns that they found the law broken, but in nearly every village drink could be got. One of the greatest possible blessings was to be attained by reducing the temptations to the drink; and in that direction he believed they were going. There were many ways of dealing with these demoralizing influences, and he asked them to deal with these, and not have their efforts frustrated by refusing to take what would reasonably work out the object they all had in view. If we introduced licensing boards there would be a great deal of demoralization and bribery at the elections; and many would be returned in the interest of the liquor traffic. Let us do whatever we could to diminish the evil of drinking if we could not exterminate it totally.

Dr. LEES (Leeds): There was no measure in advance upon the licensing question that the Alliance had not practically, and to the full extent of the merits of the measure, sustained; and they were prepared to go with every legitimate measure in the direction of restriction. As to the licensing authority, what they wanted was, that so long as it existed, it should be placed in efficient hands. If they were asked to consent to vote as citizens in a matter which they thought immoral, they, of course, could not do so. They claimed the concession of the power to enforce

their principles, not against the will of society, but by convincing society of its perfect legitimacy. He was inclined to think, all things considered, the magisterial body was the best body we could obtain in England for the purpose of administering the system of licenses. The magistrates were, more than other persons, independent of the particular traders whose business they sought to limit. The system had been partially tried in Scotland, and for the last thirty or forty years in the United States of America. Having been for more than an entire year examining this question in the United States, he claimed for the New England States the greatest amount of general education, social freedom, and religious teaching of any community known to him in the world, and stated that the system of the magisterial working of the license system was declared in those States to be a wretched failure. They were not satisfied with it, and the law of prohibition superseded it. He advocated the continuance of the suspensory measure. What the Americans sought to do was to remove temptation from the public streets, and that was the great object of the Alliance. Three years ago in the State of Massachusetts there was a modified prohibitory law which permitted the sale of beer; but it was a beer of much less strength than that commonly sold in the public-houses of England. In six months the State constabulary reported that there was a most unprecedented increase of drunkenness and crime; and that was the result of a slight relaxation of the prohibitory law. The public sense, upon that, demanded a return to the former state of things. He then gave his experiences of a visit to the United States where he had remained a twelvemonth, and contradicted the statements made in the *Fortnightly Review* by Mr. Justin M'Carthy as to the State of Massachusetts in respect to temperance, law, and order, saying that Mr. M'Carthy had said nothing whatever concerning violation of the law which he (Dr. Lees) could not say of Edinburgh, and concerning the laws of this country.

Dr. MARTIN, Secretary of the License Amendment League, Manchester, said that whatever reforms might be desirable in the licensing system, and however important those reforms might be said to be, we ought to sink our own individual opinions in order to obtain unanimity. The great point to consider was how far we could agree upon a practical scheme of license reform, and how far we could reduce our points of difference. In proportion to the division amongst temperance men was the confidence of their opponents, and whilst the division continued the Cabinet would refuse to accept any such measure as that brought forward last session. He was sorry that those evils were not recognised as they ought to have been by the temperance community. We must determine to support any good measure that the Government bring forward next session. We had to deal with old customs, and where it was so difficult to change a system the only practical process was to try how far we could modify the present system—how far we could best effect practical reform with the least possible disturbance of the present state of things. The magistrates of this country had a terrible amount of responsibility in regard to licensing; they had had more opportunity than any other class of men in the community of seeing what were the frightful results of the present licensing system, and they had gone on with an amount of apathy which, to his mind, had been revolting. But before we blamed the magistrates we must blame ourselves. The magistrates had had the utmost discouragement in the discharge of their duty. If they refused a license they said that the applicant was sure to get it at the Court of Quarter Sessions on appeal; and if they defended their decision before that Court, they must do so at their own expense. If the question of licensing boards came before the public, we must encounter a body of men with an abiding interest in the liquor traffic; those men could turn their houses into committee rooms, would get up an organization more perfect than the temperance party could obtain; they would have a power to control the lower masses of the people such as the other side would not possess. Society would be separated into two great hostile camps, and most bitter and determined contests would be always at hand. He thought there would be insuperable difficulties in the way of a licensing board, especially if it was to have the power of saying, "Not only will we have the present number of public-houses, but an increased number," thus making the evil greater than under the present system. There must be a diminution in the present number of houses. In some places the population would very likely be prepared to sweep them away, but in places where the evil was the greatest, and where the remedy was the most wanted, of course the Permissive

Bill would be simply useless. Something, therefore, was wanted that would act in an effective manner in those places. There was a large number of houses which were not only of no use to the community—little, dirty, miserable beer-houses—but which were simply curses and pests in the neighbourhoods in which they were placed. Would it not be possible to get rid of these places at a very small cost? The License Amendment League proposed that each year the rating qualification which made a house eligible for a license should be raised, believing that such a procedure would have a great effect in a few years in diminishing the number of houses.

Mr. W. R. Selway (London) contended that the licensing authority ought to be placed in the hands of the ratepayers. He objected to the magistrates because they were an irresponsible body, and could not be called to account. The people were allowed to manage their own affairs in other very important matters, and why should not they be entrusted with the control of the granting of licenses? It had been said that there would be, at the elections of members of the boards, horrible strife and bribery, as if such things had never been known in the annals of elections in this country. His desire was that the people should be trusted in this matter, and have the power to restrict the present system. There had been conjured up notions that a board of this kind might possibly go in for free trade, and flood the whole country with public-houses, but nothing was more fallacious than anything of the sort. If a Bill were passed it would be sure to contain a restrictive provision in accordance with the number of the population.

Mr. Whitworth observed that the more the licensing of public-houses was understood the more he was impressed with the conviction that it could not be carried on for the welfare of the community. It was analogous to the slave trade, of which Charles James Fox said, in a debate in 1792, that it was a trade that could not be regulated, and which could only be prohibited. He objected to licensing boards, and preferred to leave the granting of licenses in the hands of the magistrates.

Mr. W. Hoyle (Bury) said that what was wanted was to make such a provision as would enable anybody to get a glass of beer, but prevent his getting drunk. There ought not to be so many houses in any locality as would render it impossible to take drink in moderation, and their number ought to be reduced accordingly to something like one to 2000 of the population. If that were done everybody might get a glass of beer, and it would not be necessary for the publican to encourage drunkenness to get a living.

The Chairman (Mr. Newmarch, F.R.S.), in summing up the discussion, said the point to be decided, as far as they could decide it by discussion and by something like agreement of opinion, was not an abstract point at all, but a practical point. Four theories had been put forth. First of all there was that of free trade. That was tried at Liverpool some years ago, when, by general admission, it broke down. Then there was the suggestion of total prohibition, which was hardly before the section that day. The third plan was that of the establishment of local boards, to be elected by the ratepayers, subjected to a smaller or greater number of restrictions. The fourth suggestion was that of revised conditions to be applied to the existing licensing authorities, as now vested in the hands of the magistrates. He was a magistrate in a southern county, and he had seen the operation of the licensing system. He could bear out many of the remarks that had been made by Mr. Smyth as to the amount of care which, at all events during recent years, had been taken by several magistrates at the licensing period of the year. He knew one case, where the chairman of the licensing board at the beginning of last year visited himself every house upon the list, which occupied him nearly six weeks, and he knew another case where a small committee of magistrates were occupied a month in similar business. At the present time, whatever the facts were at some distant time, the magistrates were not so entirely lax an authority as they were sometimes assumed to be. At Manchester the magistrates had done a great deal more, having entered upon a very detailed investigation of the houses on the list, and effected a considerable diminution in the number. When it was objected that under the present licensing authority there had been a very large increase in the number of public-houses, it must in fairness be borne in mind that it was only within a short time that public opinion had been very strongly expressed upon the subject. Whilst the Excise had the power of granting beer

licences over the heads of the magistrates, the power of control on the part of the Bench was exceedingly limited; but he was very much mistaken if, during the last two or three years a great improvement had not taken place in the way the law was administered. He inclined to think that the general result of the discussion that day pointed to an improvement of the existing licensing authority in the hands of the magistrates at the present time, rather than to the setting up of any new licence authority.

The discussion was then adjourned to the following day.

Previous to the discussion being resumed, Papers were read on the subject, of which the following are abstracts:—

Mr. SAMUEL FOTHERGILL'S was on "What Claim have the Dealers in Intoxicating Liquors to Compensation in the Event of Legislative Changes Affecting the Profits of their Trade?" It denied that the liquor sellers had any title whatever to compensation. No part of their property was taken from them; they were deprived of no right; they were simply deprived of a privilege granted conditionally for the public benefit, and liable at any time to be withheld from them, as it now was from all the rest of the community. The tenure of the license had been made to hold only from year to year, for the express purpose of enabling the Government of the country to keep a very tight rein upon a trade. The liquor trade was an acknowledged nuisance, only tolerated because of its supposed necessity; and it would be contrary to all precedent and justice to offer compensation to the perpetrator of a nuisance. The conditions on which licenses were granted and the liquor traffic tolerated were notoriously not fulfilled. But the trade would not suffer to the extent that was generally supposed. Even if the sale of strong liquors were totally prohibited, the legitimate trade of the publican and the hotel-keeper would remain unimpaired. Entertainment and refreshment for man and beast would be as much needed as ever, nay, more, for trade would be immensely improved, travelling for pleasure as well as for business would increase with the growing prosperity, the hotels and public-houses would flourish, property in them would be little if anything impaired in value, and a disagreeable and demoralising business would be transformed into one that was thoroughly respectable and eminently useful to the community. But further, no class of the community would be so much benefited by the proposed change as the liquor-sellers themselves.

A paper was then read by Mr. E. K. FORDHAM (a brewer), on "The Amendment of the Laws relating to the Sale of Intoxicating Liquors." He gave a short history of legislation on the liquor traffic, and proceeded to point out remedies for existing evils. It was generally considered that public-houses were much too numerous; but he was not certain that this was the case. It was a very great evil to have a number of persons congregated in one house; it led to quarrelling, general disorder, and inconvenience. But in order to test whether there were too many houses or not, he would raise the amount of license to a minimum of ten pounds. This would close such houses as were doing a very small trade; and their being

closed from this cause would prove their comparative inutility, and would increase the business of those that remained, and in this way enable them to pay the higher license with little or no loss to themselves or to the public. This plan would be entirely free from any suspicion of partiality on the part of the licensing power. In forming a new licensing board he would constitute the Chairman and Vice-Chairman of the Poor Law Board members in addition to the magistrates already exercising that authority. The laws with respect to public-houses and beershops should be assimilated, such unfair distinctions as existed at present reasonably fostering jealousy and discontent. He would close all country houses at 10 p.m. for the winter six months, and at 11 p.m. for the summer season, and allow them to open at 4 a.m., with certain exceptions; but these rules were not to apply to lodgers or travellers. The hours open on Sunday might be considerably shortened with advantage. Referring to the malt tax, he characterised it as a great fiscal absurdity, which taxed the poorer classes 1*s.* per quarter more for the malt they consumed than those wealthy people who preferred to brew their own beer. His remedy for this was to tax the malt at a fixed sum of 25*s.* or 30*s.* per quarter. The latter amount would yield a considerable revenue, probably 20,000*l.* over the amount now collected, and beer would be less intoxicating. This was what was done during the Crimean war, without producing any inconvenience. This sum, and the increased amount of larger sums paid for licenses, might be satisfactorily applied to the mitigation of local taxation. With respect to the adulteration of beer, he thought it was an offence that ought to be punished by imprisonment, such pecuniary punishments as were ordinarily inflicted being quite inadequate to deter those who might make a large profit on such an adulteration. A fine was a very insufficient punishment to those who administered deleterious and noxious, perhaps absolutely poisonous drugs, to the public. He would entirely prohibit licenses being granted for music and dancing, such places being the very hotbeds of every kind of vice. Good dramatic entertainments in orderly houses would promote virtue and morality, if they were produced with that object in view. With respect to the powers of granting licenses it would be a very ill-advised step to intrust such powers to the ratepayers of the parish. It was impossible to conceive a more fruitful source of parochial animosity than a local tribunal of ignorant and interested people.

A paper by the Rev. Dawson Burns, M.A., of London, was read, "On the rights of Capital, considered in respect to Legislation on the Liquor Traffic." It stated that vested interests could have no legal existence under a system which rendered the right of sale conditional upon a yearly license, given or withheld at the discretion of a majority of magistrates; and, further, that no equitable claim for continued license could be set up, unless it be previously proved that the commercial interests involved were in unison with those great public interests which it was the express object and duty of the law to uphold. One hundred and seventeen millions is stated

as the capital embarked in the liquor trades of the United Kingdom. For every practical purpose nothing could be more unwarranted and misleading than this calculation was. Land would not be thrown out of cultivation, nor would the value of its produce be lessened; the public capability of bearing taxation would not be impaired; the value of house property now used as drinking shops would not be annihilated, by legislation of the kind so alarmingly deprecated; and as these effects would not follow, it was nothing less than an appeal to ignorance and credulity to represent so vast an amount of capital as dependent for its existence upon the liquor traffic, and as exposed to unjust confiscation by legislation of a restrictive or optionally prohibitory character. Instead of a loss of 117,000,000*l.* of capital, the probability was that even the immediate and total annihilation of the liquor traffic in the British isles would not carry with it a loss of capital exceeding the value of 37,000,000*l.*; and as no such universal and instantaneous annihilation was contemplated, the hollowness of the objection was still more strikingly evinced. But the greatest blot upon all such estimates was the assumption that capital so employed constituted, and its turning produced, a substantial addition, without drawback, to the wealth of the community; an assumption which would be true only if the capital were used either productively, or in such a manner as to aid the physical and moral well-being of the country. But the argument in support of this claim was not simply insufficient; the claim itself must cease to have any force in reason and equity, if it be shown that the use of capital in the liquor traffic inevitably tended, and on the largest scale, to the diminution and destruction of national wealth. No use of capital could be justified, or should be tolerated, which involved a waste of capital greater than itself, or which perverted and depraved those social conditions upon whose health and vigour the national prosperity depended. How is it, then, with the capital invested in the liquor traffic? By the drinking it encouraged it was the direct cause of losses to employers and to workmen's wages, the destruction of property on sea and land, by crime and accident; it added to the public and private charges of pauperism, sickness, insanity, and premature death; and it increased the annual cost of crime. These annual losses amounted to 73,000,000*l.* sterling, to which must be added, on a non-teetotal estimate, a waste of 60,000,000*l.* yearly on useless and dangerous drinking, likewise the loss of the productive labour of the persons engaged in the traffic itself, or so much of it as, by general consent, is excessive; so that by means of the liquor traffic this country loses every year five or six times the value of the capital which that traffic represents.

A paper was next read "On the Extraordinary Decrease of Crime in Luton, Bedfordshire, and the action which has produced it," by the Rev. HUGH SMYTH, M.A., Vicar of Houghton Regis. The paper first described the decrease of crime in Luton, a town containing 21,000 inhabitants, showing that in the last two years serious crime had been reduced to one-fourth of its former amount, and the whole

of the offences reduced to one-half. It attributed this to the enforcement by the magistrates and police of powers given to them under the Reformatory, Juvenile Offenders, Habitual Criminals, and Licensing Amendment Acts, particularly to the suppression of a large number of badly conducted public-houses to the extent of one-fifth of the whole number of public-houses. The rev. gentleman described the effect produced on the criminal class on their gradual withdrawal from criminal pursuits, and the generally beneficial effect on the morality of the town of Luton.

DISCUSSION.

Mr. G. W. HASTINGS dwelt upon the importance of reducing the number of houses at which liquor was sold. He was very much struck, some years ago, with a remark made in that Congress by Mr. Baker, who said that in the rural districts everything depended upon the number; for although the labouring man might be able to pass two or three public-houses, he never passed seven or eight. In that lay the whole pith of the question. Those who had charge of the licensing authority of this country ought not to lose sight of the fact that in proportion to the amount of temptation was the amount of vice. The Bench on which he had the honour to sit had kept that steadily in view, and within the last year or eighteen months they had diminished the number of beer-houses largely and the number of public-houses slightly in the district over which they had authority. There was another important point, although, perhaps, comparatively it might seem trifling—he referred to the granting of occasional licenses. A permanent license could only be granted by justices in special sessions, but an occasional license might be granted by an individual magistrate, sitting even in his own study with no one present but the applicant. Of the evil resulting from this state of the law, Mr. Hastings gave an instance from his own knowledge. There was another matter to which he, as a magistrate, might allude. A great deal was said yesterday in this section about the admirable way in which justices did their duty as the licensing authority. He said plainly that he did not think they always did their duty, and that a great deal of public pressure ought to be brought to bear upon them. At a late meeting at Worcester on the licensing question, a statement was made that the judicial statistics showed there were 4000 houses in this country which were the habitual resort of thieves and bad characters of both sexes. It was said that, therefore, fresh legislation with more stringent police powers was required. He replied that no law was required in the matter, for there was not one of the licenses which might not have been withdrawn by the magistrates. If the judicial statistics were compiled by independent and trustworthy authorities, without bias, it was a conclusive proof that a great many benches of magistrates did not do their duty. The magistrates in many cases would reply—and to a certain extent they would be entitled to reply—"We do not know all these things; they are not brought to our knowledge." Why was that? Because there was another authority that did not always do its duty in these matters, and that was the police. He was one of those who believed that the police throughout the country did their duty upon the whole remarkably well. He had great confidence in them in most matters, but he had very little confidence in them in regard to public-houses and beer-houses. He had reason to believe from facts which had come under his own cognisance that there was a reprehensible amount of connivance on the part of the police. He then contended that it was the duty of the magistrates to look after the police with more care and vigour, and that those convicted of connivance with the publicans should be discharged from the force. He also thought that some check should be placed upon the selling of intoxicating liquors of any kind to children under a certain age. He believed there was nothing more lamentable in the present day than the want of discipline in the bringing up of children. It was a weakness from which this country in future generations might lamentably suffer. It ought to be made a criminal offence to supply children with intoxicating drinks. The hours, too, for closing the houses

were susceptible of much amendment, and as to Sunday, if the selling of drink was to be permitted on the day, the drinking of it on the premises should be prohibited.

Mr. WHITWELL (Kendal) said that the subject, which appeared of greater practical importance than its name might at first suggest, was that of compensation. The difficulty which that was supposed to produce, owing to the immense amount which would be required, was looked upon as a great hindrance to the reduction of the number of public-houses or their entire abolition. The country, and the House of Commons especially, were very much guided by what had been done by our forefathers. There was one question which was very similar to that of the liquor traffic. Eighty years ago the question of the slave trade between Africa and our colonies began to excite great attention, and very soon not only was Wilberforce deeply interested in it, but he got Mr. Pitt to examine the question, and he was at once convinced that the trade should be abolished. Immediately a great cry was raised throughout the country. It was asserted that the country had long patronised the slave trade, and supported it in various ways, and that it was a nursery for our seamen, and a great benefit to the country. Above all, it was said that if the trade were abolished compensation must be granted. Charles James Fox denied that compensation ought to be granted, contending that although Parliament might encourage a particular trade as a matter of policy, it by no means bound itself either to carry it on, or to compensate those who would lose by its abolition. The Government had done everything it possibly could to prevent the publican having any claim on the public. The license was not granted during the good conduct of a publican, but only from year to year; and, therefore, at the end of each year all claim to carry on his business vanished. No compensation was granted on the abolition of the corn laws to the farmers, who, on the belief that corn would maintain its high price, had spent thousands of pounds in reclaiming land for the purpose of growing more corn. In Scotland and the Isle of Man the sale of drink on Sunday was prohibited, and the law was successfully carried out there. Such a law was in operation in Australia, where it was found that it was better to close public-houses entirely on the Sabbath-day. It might be asked whether we were prepared for such a change, and what was the feeling of working men in regard to the proposition. There was, perhaps, hardly a more representative town than that of Crewe. It contained 2951 houses. Last Easter it was canvassed to ascertain whether the inhabitants were in favour of closing the whole day, when 2036 voted in favour of the proposition, 357 against, 163 were neutral, and 395 refused to answer or were not at home. In Goole there was a similar canvas with equally satisfactory results. In most of the centres of industry there was the same feeling, that Sunday should be free from temptation.

Mr. BREMNER (Manchester) observed that if they could agree at the end of the discussion upon certain important or salient points, which should be inserted in the Bill of next year, they would do a great work. Could they agree upon some plan for reducing the number of houses? The country was to blame for the present state of things, and the misfortunes in which the licensing laws had landed us. You could not compare the position of the liquor trade with coaches driven off the road, because no law was passed to the effect that coach proprietors should not continue to run their vehicles as before. Now, it was proposed to say to the publican, "You shall no longer continue your trade." One scheme before the country was that the public-houses should be reduced to 1 in 500 of the population, and that an additional license duty should be imposed upon the remaining houses for the purpose of procuring funds to compensate the possessors of those houses from which the licenses were removed. If we proclaimed to the country that we intended to entirely uproot the system, we should arouse a very dangerous opposition. A little generalship was required, and we must not miscalculate the strength of the foe. The Wine and Beer-house Act of 1869 had been carried out with great diligence in Manchester, the result being that whereas there were about 2460 beer-houses when the Act came into operation, within the short space of two years that number was reduced by 20 per cent. If that rate of reduction were to go on the number would be very largely diminished in the course of time; and it would be far better to be content with doing that than to take any direct method of reducing the houses, for in that way the houses would be reduced without any opposition being provoked. It was most important

that there should be immediate legislation. He desired to see the houses closed all Sunday, but he did not think the House of Commons would agree to it. They should then advocate the prohibition of consumption of liquor on the premises, and the opening of the houses at such times as would enable the working man to get beer for his dinner and supper on Sundays. In regard to adulteration, he had no words of indignation strong enough to express his feeling towards the men who poisoned the national drink of the working men. He held that adulteration should be considered as a felony. The justices would very often feel disposed to punish those who broke the law if there were some modification of the punishment which they could inflict, so that they might order a house, where drunkenness was encouraged, to be closed one day out of six. This procedure would frighten the publican, and make him conduct his house better.

The Rev. HENRY SOLLY (London) commented upon the influence that was brought to bear upon the magistrates in regard to the granting of licenses. As to compensation, he thought the argument just mentioned in regard to coach proprietors and inns a very strong one. It had been said that they were not prohibited running the coaches, but the result was the same. The abolition of slavery and the compensation then granted—which ought rather to have gone to the slaves than to the planters—constituted, no doubt, a precedent very much in favour of the publicans. He did not think sufficient reference had been made in the debate to the fact that Mr. Whitbread in the last session succeeded in getting a large body of the leading brewers, together with many publicans, to agree to compensation being raised, not from the public, but from the holders of licenses.

Mr. Alderman TATHAM (Leeds) expressed his opinion that the magistrates, both in Brewster and Quarter Sessions did not efficiently discharge their duty. The influence of the publicans had been wonderfully over-estimated, and as to the charge of not properly supporting the Government during the last session, we could not arouse enthusiasm for a measure which the people felt satisfied would be a failure. He concluded by moving:—

"That this Section respectfully requests the Council of the National Association for the Promotion of Social Science to continue their labours to aid in securing from the Government and Parliament a comprehensive measure dealing with the sale of intoxicating liquors, and in view of the pauperism and crimes springing from intemperance and the consequent taxation affecting the public generally, the Section trusts that in any Act which may be passed a provision will be inserted rendering it illegal for the Excise, or any licensing authority, to force liquor shops into any parish or district against the will of the inhabitants."

Mr. RAPER seconded the resolution. As far as he could judge of the tone of the Section it ran clearly up to that point, whatever else it might cover. He attached considerable importance to the action of the Council, for he had known instances when its proceedings had exercised considerable influence on Parliament. He did not wish, therefore, that the discussion should close to-day without specific recommendations to the Council in regard to the questions before the Section. It was the general opinion that whatever measure the Government might introduce it should contain a provision against forcing public-houses into neighbourhoods where the public did not want them. He concluded by calling attention to the eleven recommendations of the Lower House of the Convocation of Canterbury, which he said were of great value.

Mr. G. WARD said: As to the question of compensation, he thought there were two sides. He wanted to know why the persons who had suffered an immense amount of injury through the depreciation of their property, either in letting or selling, on account of the proximity of public-houses and beer-houses, should not ask for compensation. He could point to neighbourhoods where the simple introduction of one license had depreciated the value of property from 10 to 15 per cent.

Mr. HIBBERT, member of the Legislature of Massachusetts, said he had always found that breweries, distilleries, and liquor shops of every sort, worked only ruin to the best interests of the people. The licensing system had been tried in America, and all efforts at regulation had been miserable failures. Oliver Hames, one of the first business men in America, in his sworn testimony before the Legislature Committee in 1867, said, "We suffered much more under the old license law than under the prohibitory law. We have now very little sold under

prohibition, and no open sale or drunkenness in our village. Under the old license law one half of the people were drunkards. The expenses for pauperism were very nearly double what they were now." This was only a specimen page of the testimony respecting the old licensing system which was much like the system now existing in England. He was prepared to prove from official documents that prohibition in New England had been a magnificent success. As to compensation, he never heard of such a thing in his country. The British home was the oldest vested interest, and it ought to be protected whatever became of the vested interests of the liquor traffic.

Dr. Lees, in regard to the matter of compensation, said it ought to be referred to the lawyers. It was not a subject to be discussed either there or in Parliament. There was a law which said that any man was entitled to compensation for the removal of property or violation of contract. What contract had they broken—what property had they taken? He would not argue the moral question. Everybody was convinced that the time had come when something must be done. Whatever was given to the publicans, who might be destroyed by the withdrawal of their licence, should be raised from the houses which remained.

Mr. Selway had hoped that he would have heard suggestions from various gentlemen as to the points to be brought before Parliament. He wished to say that there would be laid on the table of the House of Commons immediately the House resumed a Bill for amending the laws relating to the liquor traffic; and that Bill, he ventured to say, was a wide and comprehensive Bill.

The Chairman (Mr. Jowitt) said he thought the members were quite agreed on several heads, namely, that the number of public-houses should be diminished to a maximum varying from 1 to 500 or 1000 of the population; that the hours during which the houses were open should be shortened, especially on the Sunday; the prohibition of the sale of drink to young children under sixteen years of age, to intoxicated people, and in singing and dancing saloons; and he thought that the preponderance of opinion was in favour of no compensation. Lastly, he hoped the importance of keeping alive the Suspensory Bill until a comprehensive measure had been passed would be put prominently forward.

The Rev. S. A. Steinthal wished to suggest one or two additional alterations in the resolution, which he had re-written as follows:—

"This Section respectfully requests the Council of the Association for the Promotion of Social Science to continue their labours to aid in securing from the Government and Parliament a comprehensive measure, dealing with the sale of intoxicating liquors; and in view of the pauperism and crime springing from intemperance, and the consequent taxation affecting the public generally, the Section trusts that in any Act that may be passed, provisions shall be inserted for reducing the number of houses and shortening the hours of sale, especially on Sunday, separating the sale of drink from all places of amusement, and rendering it illegal for the Excise or any licensing authority to force liquor shops into any parish or district against the will of the inhabitants."

Mr. Tatham agreed to the amended resolution.

Mr. Raper, objecting to the alterations in the resolution, declined to second it.

The Rev. S. A. Steinthal thereupon seconded the resolution, which was put and agreed to.

DWELLINGS FOR THE LOWER CLASSES.*

Is it desirable that the State or Municipality should assist in providing Improved Dwellings for the Lower Classes; and, if so, to what extent and in what way? By James Hole.

THE problem of how to supply increased dwelling accommodation for the working classes, and to improve its quality, is one of the most important, and yet the most difficult, that can be submitted to the con-

* See *Transactions*, 1858, p. 583; 1860, pp. 720, 766; 1866, p. 731.

sideration of practical philanthropists. Its importance arises from the fact that a healthy and agreeable home is an essential part of all measures to ameliorate the condition of the labouring classes and to elevate them socially. Of all the evils to which the working man is subjected, that from which he suffers most, and yet which is least under his control, is the want of proper house accommodation. The rapid growth of the manufacturing and commercial industry of the country, aggregating large masses of population faster than the social and sanitary conditions necessary to render that aggregation desirable can arise; the neglected education of the people delayed a whole generation at a most critical period, in deference to the outcry of sectarian prejudice; the immense facilities for the consumption of intoxicating liquors, absorbing a large part of the wages fund, and diverting from legitimate expenditure vast sums into channels that degraded the working man, and rendered him regardless of the decencies of home; these causes united have brought about a state of things in our large towns frightful to contemplate. Whole districts may be found where healthy existence seems simply impossible.

The ordinary laws of supply and demand utterly fail in providing dwellings that would satisfy even the lowest estimate of what is needed for housing our population. On the other hand, so great is the magnitude of the evil to be remedied, as to be far beyond the resources of ordinary or even extraordinary philanthropy. All that has been done by all the philanthropic associations, and by the noble contributions of the Baroness Burdett Coutts and Mr. Peabody, when measured by the necessities of the case, are like drops in the ocean.

The difficulty is further enhanced by the fact that all these philanthropic interventions, with one conspicuous exception to which we will refer directly, fail in the one cardinal condition of repaying a fair return for the capital invested, that consequently on the one hand there is no temptation to repeat them, and on the other, by partaking of the charitable character, they impair the feeling of independence in the minds of those benefited, whereas it ought to be of primary importance that those who rent improved dwellings should know that they are paying a fair return for what they receive, and that the character of an almshouse in no respect pertains to their dwellings.

It is in this view that building societies, though utterly unable to cope with the emergencies of the case, are so desirable. By using the surplus savings of those who do not want to build, as a loan fund to those who do, they have enabled thousands of the superior portion of the artizan class to become house owners. They have cultivated their habits of economy, raised their moral tone, and fostered in them a spirit of independence. As, however, such societies could not advance money to the full value of the property, they can only reach that unfortunately very limited portion of the artizan class who possess the margin of capital necessary to secure the advance. It may also be added, that the societies in the

metropolis, while nominally charging only 5 per cent. for the use of capital, practically raise it to 6 or 7 per cent., by the premiums charged on shares to borrowing members,—a rate too high to render it sufficiently advantageous to borrow.

The utter inadequacy of all existing means to remedy the evils arising from deficient and inferior dwellings induced the Legislature to pass "An Act to encourage the Establishment of Lodging Houses for the Labouring Classes" (14 & 15 Vict. c. 34) in 1851. This Act gave powers to the various local authorities to erect lodging houses, and even "to fit up, furnish, and supply the same with all requisite furniture, fittings, and conveniences." Our Legislature having passed the Act, considered they had done with the matter. With one exception (Huddersfield) the Act has remained a dead letter. Fifteen years later they again woke up and passed an additional Act, "The Labouring Classes Dwelling Houses Act, 1866." This Act gave power to the Public Works Loan Commissioners to lend capital for this purpose at 4 per cent., equal in extent to the funds employed by the borrower. The capital is repayable in forty years, and a payment of 5*l.* 1*s.* per cent. will clear off the liability in that time.

It appears to us that the temptation thus offered is not sufficient to induce either capitalists, benevolent societies, or municipalities to take up the matter. For a purpose so important 4 per cent. is needlessly high. The working classes themselves lend the Government a vast sum at 2½ and 3 per cent. through the Post Office and ordinary savings banks.* Is it unreasonable to ask for some of it back at a slightly increased rate for management, backed by so good a guarantee as the dwellings themselves? 5*l.* per year would repay both principal and interest of 100*l.* at 3½ per cent. in less than thirty-five years. The Government could without loss to the State lend capital at that rate.

On the other hand it seems an unreasonable limitation to restrict the advance of the Government loan to one-half the total capital employed. An ordinary building society advances three-fourths, some of them four-fifths, and some even the whole cost of the dwelling-house to the private borrower, and they are tolerably safe in so doing, because as the loan is in the constant process of being repaid from the first moment of the advance, the risk is constantly diminishing.

It appears to us that if capital were lent, say five-sixths of the amount, and at 3½ per cent., through the municipal bodies of each place where the facts showed a decided deficiency of proper dwelling accommodation, the worst evils would speedily be remedied. The local municipal authorities are the best acquainted with the necessities of their own district. A corporation would have to satisfy

* The capital invested in the Savings Banks in 1870 was as follows:—

Post Office Savings Banks	...	...	£15,099,104
Savings Banks under Trustees	...	...	37,917,323
Total	...	...	£53,016,427

itself, and also the central government, that such a necessity existed, and the plans would necessarily have to receive the approval of both authorities. Such assistance, while extended to municipal authorities, should not be restricted to them, but offered to all public bodies able to show that they would rightly employ the funds.

If the capital advanced is cheap, there is the best possible chance of supplying the dwellings erected therewith at a moderate rental. In other words, if cheap capital will not supply cheap houses, no other process will. Even with this advantage, when it is taken into consideration that the rent charged must not only repay the interest but also such a sum as will ultimately repay the capital advanced, repairs, collections, &c., it will be found that although houses might be brought within the reach of even very low-waged artizans, they would not compete unduly with ordinary private enterprize. They would rather make good its deficiencies than supersede it.

I said that among the philanthropic experiments which have been devised to improve the dwellings of the people, there was one conspicuous by its deviation from the ordinary principles on which such philanthropic experiments are founded. I allude to the "Improved Industrial Dwellings Company, Limited," founded by Sir Sidney H. Waterlow. This society has availed itself of the Act of 1866, and has thereby attained a degree of success which indicates the path which, followed and expanded, will do much to solve the difficulties of this great question.

The standard of the dwelling must not be lowered. Whether the block system adopted by this society be followed, as most available in dense populations, or the cottage system, which is practicable wherever railway companies will give the needful facilities of cheap trains, the dwellings should be good. To use the language of a report issued by the society just referred to:—

"The desideratum is to provide, if possible, a home which in every way tends to increase the self-respect of its occupants, and to foster a pride in the appearance of the place, a feeling which finds expression in the cleanly appearance of the home itself, and adorns it sometimes with flowers and shrubs. The next thing is, that every tenant must have complete and exclusive use of all the essential accessories to a home, such as water supply, sink, copper, dust-shoot, coal place, and water closet. It is certainly preferable to provide these appendages to every dwelling, even though it may add to the cost of the building, as the tenants gladly pay higher rents for the better accommodation. The homes of workmen cannot be rendered too attractive, complete, and comfortable, while experience shows that the working classes gladly welcome and warmly appreciate the efforts made to obviate the evils, and improve the condition of their dwellings. What the working people desire is, that homes shall be provided which suit the means and meet the requirements of an English workman's family,—a home which shall present an appearance not unattractive, and the occupation of which shall not engender a feeling of dependence, but shall rather stimulate self-reliance, by

the consciousness that a fair market price is paid for the additional comforts which are enjoyed."*

According to the last report of the Company (11th August, 1871) the total expenditure on Capital Account was 195,779*l.*, of which 52,000*l.* had been lent by the Public Loan Commissioners. The number of completed tenements was 988 and those in progress 228, or a total of 1216. A dividend of 5 per cent. has been regularly divided among the shareholders; but the actual receipts over expenditure has, however, been about 7 per cent., the difference being partly absorbed in repayment of the loan and the interest on unproductive or uncompleted buildings.

A saving of about 20 per cent. has been made in the cost of construction owing to the use of an artificial stone, but the cheaper cost of ordinary building materials in the provinces might possibly balance this advantage. The saving of most moment is that in the cost of capital. The Public Works Loan Commissioners advance the loans at 4 per cent., a rate which, as we have before stated, might very properly be reduced. Another loan will be obtained, and the capital account of the Company closed, another proof, if any were needed, that the temptation to further investments of capital is not sufficiently great.

The buildings though not intended for the lowest class improve those of the lowest class. They bring a gentle but resistless pressure upon those owners who thrive most on the worst property. Their (Industrial Dwellings Company) report remarks that their "operations during the last seven years have constantly proved that an increased supply of first-class tenement houses in a given locality has invariably reduced the price of the same kinds of tenements of all classes in that locality, the reduction acting most forcibly on the lowest class, and in some cases to such an extent as to render their further occupation under the stringent requirements of recent Acts of Parliament absolutely profitless, and to leave them for early demolition."

The mode of supplying deficient accommodation would not yield its greatest advantages unless it permitted arrangements by which the tenants of the houses could also become the owners. No greater boon could be conferred upon the working man, and no firmer guarantee of social order could be desired than one which would enable a large proportion of the weekly wage class to become proprietors of their own dwellings. It would only be needful to have two rates of rentals, one a tenancy rental and one a purchasing rental. In case a working man could not continue the higher payment from want of work or having to leave the locality or other causes, he would have the difference between the higher and lower rental returned to him less a deduction for expenses, and thus his house would become his savings bank and an increased motive for economy and self-denial.

* Improved Industrial Dwellings Company, Limited. Opening of the "Coleshill" and "Ebury" Buildings, on Friday, 18th November, 1870.

As an illustration of the process which local authorities as well as philanthropists might imitate and improve upon, I will briefly refer to an experiment made a few years since in this town of Leeds. Its promoters purchased small plots of land in different localities, and good and convenient dwellings were erected thereon. The working men were invited to purchase them, and had to find one-fifth of the cost, the remaining four-fifths being advanced by the Leeds Permanent Benefit Building Society, one of the best building societies in the kingdom. By this means the purchaser was enabled to become absolute owner of the houses in about thirteen and a-half years, by a payment not exceeding the sum he would ordinarily have paid as rent. About ninety-three houses were thus built, costing from 140*l.* to about 220*l.* each. The great majority of the houses were sold to working men, and those that the promoters were unable to sell will most probably entail no ultimate loss. The greatest difficulty in the extension of any such plan, is that only a very small portion of the working classes have made a sufficient saving to find the one-fifth, which in this case was necessary to secure the remaining advance. Were this difficulty removed by advancing the whole sum, vast numbers of men might be put in the way of securing a home for themselves and families.

It will, of course, be said that if you ask the Government to do this, why should you not ask it to do that, &c.? It is the old "thin end of the wedge" argument, which is always used on this occasion, and the simple answer to which is, that every case of interference must rest upon its own merits. As is remarked by Professor Thorold Rogers:—*

"In our time no one doubts that a Government may wisely and properly undertake such public works as confer great public benefit, but are too vast for private or corporate enterprise, or are not so immediately remunerative as to attract private capital. Such are, for example, the formation of roads and harbours, and the erection of light-houses. The extent to which a Government will take these works on itself is relevant to the deficiency of enterprise among its subjects."

It may be objected that it would be subjecting cottage owners to an unfair competition by the aid of taxes in part taken from themselves. The Legislature, in passing the Acts of 1851 and 1866, admitted that such an argument had no force. The same argument has been brought against State-aided schools as opposed to private schools. The health and the morality of the poor are dearer interests to society than even the welfare of cottage owners. But in truth these persons would be scarcely affected. No intervention need take place by authority unless in cases of proved necessity, and then it must necessarily operate very gradually. But were it otherwise, the evil is too great to go on unchecked. New necessities demand new remedies, and unless modern society can adapt itself to the urgencies of the case, our boasted civilization is a failure, and we shall find too late the sad consequences of neglect.

* "Manual of Political Economy," pp. 261, 262.

On the Same. By T. B. SMITHIES.

ONE of the greatest social wants of London is that of better homes for the teeming masses of the industrial and humbler classes. Some of the great improvements that have been made during the last few years in London, such as the erection of railway stations, and the making of new streets, have unhappily added most fearfully to the previously existing lack of suitable dwellings for the poor. As one illustrative fact among several, it may be stated that, when the contractors were about to erect the Broad Street Railway Station, on one morning in 1868, a sad morning to the poor of Finsbury, 1800 of them were turned out of their wretched but highly-rented rooms, and, on the following morning, 200 more were added to this exodus. When Parliament granted legal permission to pull down these dwellings, for the convenience of the railway companies and the public, no one seems to have given a thought as to the important inquiry, Where are these poor things to go? Some few of them had, doubtless, been able to provide suitable dwellings elsewhere, but the mass of the people were literally driven from their homes, and, like a wave of the sea, passed over to the already over-crowded districts of Spitalfields and Bethnal Green; and had it not been for that practical sympathy which the poor so often exhibit towards the poor, hundreds of these unfortunate creatures would have been left to starve in the streets. Now, in many streets in Spitalfields, every house with ten or twelve rooms has ten or twelve families crowded into it; nay, in some rooms, you will find a family huddled into each corner of it. What must be the social condition of tens of thousands of our countrymen, and their wives and children, thus huddled together? All efforts to promote temperance and other good habits in such districts are absolutely neutralized. When it is borne in mind that, for the clearances required for the London, Chatham, and Dover, and St. Pancras Stations, the Law Courts, and the Holborn Viaduct, over 200,000 persons—the population of a country town—were driven to seek for resting places in the unhealthy courts and slums of London, the increase of disease and mortality necessarily induced thereby may be imagined, but cannot be described.

We all deplore this condition of things, but how to prevent its repetition is a question which calls for most serious consideration, affecting, as I believe it does, not only the future health and morality of the people, but the very stability of our nation.

After years of labour amongst the industrial classes, it has been repeatedly my joy to find, in various parts of the provinces, many working men becoming possessors of their own dwellings, and the influence of this, not only on the men, but on their families, has been most remarkable. The moment a man becomes possessed of a brick, or a yard of land that he can call his own, he seems to become a new kind of man, to have a stake in the welfare of the nation. With the working classes of London, however, this strong induce-

ment to frugality is, alas, wanting. With the exception of the dwellings in the suburbs of London, erected by the National Freehold Land, and other building societies (and they have done a good work), it seems an utter impossibility for working men to procure their own dwellings in our great metropolis.

It was my privilege to be, as I believe, the first to suggest at the Social Science Congress at Liverpool the principle of the Post Office Savings Bank, and subsequently at Edinburgh, that of the provision for old age by means of Government Annuities, and I then ventured to predict, that the savings of the industrial classes would, in the course of a few years, astonish even the most sanguine friends of progress. To the Council of this Association, and the untiring efforts of Mr. Sykes, of Huddersfield, belong the honour of having induced the British Parliament to confer on the working classes the inestimable boons of the Post Office Savings Bank, and the system of Annuities for old age. But I now desire to press upon the Association the importance of taking another and perhaps a greater step in helping the working classes.

The attention of the world has recently been called to the extraordinary unity and power of the Prussian nation, and it deserves to be known throughout the length and breadth of this country, that the Prussian Government has long taken a deep and practical interest, not only in the education of the masses, but in the encouragement by every possible means of working men purchasing their own plots of ground, and building thereon homes which they can call "their own."

Large numbers of working men who have now got respectable deposits in our Post Office Savings Bank are needing some other means of investing their hard-earned savings; and every inducement that can possibly be afforded for extending this laudable feeling should be held out to them.

During recent years, great and noble improvements have been made in London, but I believe that the man or the Government who shall inaugurate a scheme whereby the metropolitan industrial classes may have the opportunity of becoming their own landlords, will confer one of the greatest social blessings of the age. In this brief paper I do not profess to do more than call attention to what I believe to be a great and ever-growing social want. I am aware that many will regard the matter as Utopian, but I venture to throw out this suggestion:—Is it not practicable for the "Waterlow" and "Peabody" system of buildings to be extended to long and healthful streets in portions of Spitalfields and Bethnal Green, now occupied by wretched two-story tenements? If we cannot get cottages and little gardens, may not the Scotch system of "holdings" or "flats" be adopted? One thing is essential to the success of such a project, the law as to title and power of sale must be as simple as the transfer of goods and chattels, so that if working men are suddenly called away from one part of the metropolis to another, or from the metropolis to the country, there will be no barrier

placed in their way of a speedy sale and transfer of the property. Mr. H. G. Reid has proved in Edinburgh that working men's houses can be erected and pay the owners even 12 per cent. for their money. The experience of one of the Peabody buildings in Spitalfields on the question of health is remarkable. At the end of the second year a comparison was made of the mortality in the building with its 200 inmates and the rest of the parish. The deaths in the Peabody buildings ought to have been seventeen in the two years. How many were they? Three! "An old man and two children. And the old man was an invalid when he entered the building."

Mr. BURHAM SAFFORD also read a paper upon the same subject, in which he said that if intemperance was the origin of vice, idleness, and crime, so also were hovels devoid of sanitary and other comforts the origin of intemperance. As a man's dwelling, so his character. Means for procuring improved dwellings having been provided by the "Labouring Classes Dwellings Act, 1866," it only remained for the Legislature to prevent that good measure from becoming virtually a dead letter. He urged the necessity of sanitary inspectors being appointed by Government, in order that they might be free from local influence, this officer to be able to survey and advise as to the most available means of drainage and as to the disposal of sewage. Upon the report of such officer that the habitations of the poor were unsatisfactory in number and character, a *mandamus* should be issued compelling owners and authorities, under such powers as exist, to remedy the deficiency. He considered that throughout the rural districts the unequal incidence of local taxation had been detrimental to cottage accommodation or improvement.

DISCUSSION.

Mr. W. S. DAGLISH (Newcastle-on-Tyne) said he was connected with the Newcastle Improvement of Dwellings Company, which he was glad to say had been a success, for it had declared a dividend of 5 per cent., after allowing a fund equal to 10 per cent. upon the whole capital for depreciation in value. He felt certain 8 per cent. could be realized upon workmen's cottages, and while that could be done there was no need to go to the State for aid. If proper care were exercised workmen's dwellings could be made to pay. As to the question of the municipality assisting the erection of such dwellings he thought they could not well do so, as in many cases members of corporations felt they were coming into competition with private enterprise. This difficulty had been experienced in Newcastle, and the question had been left to private enterprise. The demand for the cottages of the company was so great that there were never less than fifteen or twenty applicants on the books of the company for accommodation on the occurrence of any vacancy.

Mr. WALTER MORRISON, M.P., spoke against the construction of dwellings being left to corporations, because schemes of that kind were so much open to jobbery, especially the building part, where jobs could be so easily perpetrated. The question was one that affected towns more than the country, and he entered his earnest protest against the public authorities interfering with building in the country, as nothing could be more demoralizing than for a country parish to be inhabited by more people than could obtain work in the parish. He did not object to the Government advancing money, for they could borrow money at 3½ per cent. and could lend it at 4 per cent. This was a sufficient profit, and loans

would be a great convenience. There was need for some improvement in the law of the conveyance of property. The real obstacle to this was the opposition of the legal interest. So long as we had the present complicated system of conveyance it was vain to expect working men to invest in property. We wanted some simple and general plan of a town laid at the Town Clerk's office, sketching out the exact position of each site, where a man could go and see it at once if he wished to purchase. The co-operative societies were making a great deal of money, and some of them, he was glad to say, had devoted their profits to the building of houses for their members.

Dr. GAIRDNER (Glasgow) said his experience led him to entirely agree with the last speaker. There were, to his mind, great difficulties in the way of the State or the municipality building houses for the working classes in the room of those displaced by improvements. It would be wrong for the municipality to build a similar class of houses to those displaced. In the city of Glasgow there were 100,000 houses, 25,000 of which were occupied by persons at a tenancy below what it was impossible to construct or hold an ordinary dwelling The majority them were below 5*l.*, some even 4*l.* 10*s.*, 4*l.*, and even 3*l.* It was impossible to get any place to accommodate a family with anything like comfort—even if it were only one room—under 5*l.* Supposing some great commercial operation should displace a number of these houses, was the municipality to replace them with a similar class of houses? a class below the line of sanitary comforts, for if they were not to do so, they could not replace the houses thus removed. The working class of Glasgow had become so debased by the evil influence of miserable dwellings that they could not rise to the idea of proper house accommodation. The remedy for removing the present low class of houses was to let the working classes understand that they must raise their notions of accommodation. If such a class knew that the municipality would provide dwellings for them, there would be no end to it. The duty of the municipality was, rather than assist in erection, to destroy these dwellings as rapidly as possible, but he would recommend a gradual process. Much had been said as to the advantages of the flat system. He admitted there was a great convenience in it, but the danger was—it accommodated a large population upon a small area, and this led to the generation and increase of fever. If we adopted this system, we must do it conditionally.

Mr. W. T. NEWMARCH (Newcastle-on-Tyne) said several societies for the erection of workmen's cottages had been formed at Jarrow, near Newcastle, the rapid extension of which caused a demand for houses. A number of the working men formed an association, the object of which was to erect dwellings for themselves. Money was borrowed in the name of trustees, and used in building cottages. The system adopted was similar to that of building societies, but differed from the latter in this respect, that there was no profit. The system was progressive, and the money was turned over and over again. Borrowers paid 5 per cent. for the money, and 5 per cent. for amortissement, and the dwelling became the property of the tenant in thirteen or fourteen years. On this system they had erected between 400 and 500 dwellings. The rents varied from 3*s.* 8*d.* a week for a self-contained house of two rooms, to 4*s.* 4*d.*, 4*s.* 9*d.*, and 5*s.* for a three-roomed house, and this rent included the amortigation. Lately, a curious difficulty had occurred, lessees did not want to go into their houses, because they could let them at a profit of 1*s.* and 1*s.* 6*d.* a week. The scheme, therefore, provided dwellings at a cheaper rate than was necessary, and this could not be done by any company or society who desired to make a profit. The result of the operation of the scheme was, not only to provide improved dwellings for the better class of artizans, but to leave the dwellings they vacated available to the class immediately below them, and in this way the benefit was extended to a large number. The only limit to the usefulness of the society was the want of means. The funds that were available for loans of this description were not sufficient to provide dwellings for a large number of the working classes. He agreed with Mr. Morrison and Dr. Gardner in deprecating Government action, but he thought it was not unreasonable that the funds of the working classes in the savings banks should be re-lent to them at a moderate rate of interest, in order to enable them to provide themselves with improved dwellings, such loans being equal to say half the value of the property. The cost of a three-roomed dwelling was about 100*l.* The yards were cemented,

and care taken that the ground should not exude odours, and the effect was a reduced mortality, with collateral benefits, including an elevation in the manners of their occupants. The men, having better homes, frequented the public houses much less; the wives were encouraged to greater cleanliness by having houses which they considered worth keeping clean. The mortality among children was materially reduced, on account of the larger cubical contents of the rooms they lived in, and the necessarily purer atmosphere they slept in; and it was found that the children of the occupants, almost without exception, went to school. The trustees of the association gave their names merely as a sort of interim security, for otherwise, it was clear, no one would lend money to an association of working men. Each house being allotted before it was commenced, there was adequate inspection, for the family that was to live in it watched every brick that was put in.

Mr. William Pare (London) agreed that neither Government nor municipality ought to interfere in providing houses for working people, but that the Government might make advances for this purpose, on adequate security, and at interest. The Government might render aid by removing difficulties, and the Act of last year did reduce the difficulty of transferring cottage property, and would give an impetus to the erection of cottage property by co-operative societies. The flat system was not to be desired for large towns; workmen would derive more benefit from being carried cheaply by the railways, to newly erected places out of town. The matter was of sufficient importance to be referred to the Council of the Association for consideration and report, and he would move that it be so referred.

Mr. E. W. Hollond (London) concurred in the principle that the share of the Government in this matter was to remove difficulties, which were really the existing houses themselves, and until they were removed nothing could be done. With respect to companies, it was important to know how far the charitable element was introduced, and therefore he asked whether, at Newcastle, the directors were remunerated at the ordinary business rates. [Mr. Daglish said the directors were shareholders, who looked for their 5 per cent.; they had no remuneration, with the exception of the resident director, who lived on the spot, collected the rents in commission, and to whose supervision the company owed its success.] Mr. Hollond continued that there was a charitable element, in consideration of which an accountant would reduce the dividend. With respect to the Peabody buildings in London, he never went past them without feeling that the money spent in their erection had been perverted from the proper object of the donor to another object. Around the buildings in Spitalfields there was crowded a dense mass of the low class of the population, who, instead of being inside the buildings, were huddled together in its vicinity. The persons displaced for such buildings were driven to overcrowd the surrounding dwellings. As an owner, he knew the difficulties of dealing with the question. He had improved property, making provision for the tenants while the improvements were in progress, and he found the difficulty to be, not the want of house accommodation, but the supply of the accommodation around, so that tenants left him, and went into houses that were unfit for human habitation. There was the greatest difficulty in getting the local authorities to shut up such houses, or to pull them down. He knew property in such a condition that no rent ever was collected for it, for the very reason that it was not worth rent, and no one dare attempt to collect it. In such cases the real remedy was to oust the owners of the property. Pressure must be brought to bear on the local authorities to enforce the law, and, if it were insufficient, on the Government to amend it. The results would be disastrous if either Government or municipality interfered by erecting new buildings, because it would be equivalent to supplementing wages in the district, so that employers would lower wages, and the benefit would be gained, not by labourers, but by their masters. The only way for the Government to interfere was to carry out or strengthen the existing law; negatively, the inaction of the Government was all powerful now, for improvement was impossible until old houses were pulled down.

Mr. John Holmes (Leeds) said the local condition of different places affected the possible solution of this question in each. If houses could be erected at a certain cost at Newcastle, it did not follow that that was practicable elsewhere, and the varying prices of land must affect the problem. In Leeds model cottages

had been erected. Certain gentlemen gave a guarantee, on which money was borrowed from a building society, of which each purchaser became a member, and, having paid down a quarter of the price, he paid a little more than the average rent for thirteen years and six months, when the property was his own. This went on satisfactorily and profitably for a long time, but at length some cottages were built in the wrong place, and through the indifference of the architect and the contractor, they cost too much; the result was no one would purchase, and the society came to a standstill. For the industrious, who were disposed to save, cottages could be built to pay, but what could be done for those who had not wages which enabled them to live decently? In them remunerative investment was impossible. At Liverpool a committee, after special inquiry, had reported to this effect; and in Leeds, where a number of houses were pulled down, a large firm, having erected a building for their own workpeople, found it remain unoccupied, because the people's wages would not allow them to live decently. He approved of the suggestion that the Government should lend money for cottage building, but he would not let cottages below a paying rent, because that would stop the action of those who would build as a means of investment.

Mr. WILSON urged that landlords were crushing the life out of the people, and that the only principle on which progress could be made was that of the municipalities acquiring land and building houses for the people.

Mr. J. NUTTALL, (Oldham) as a working man, rather approved of the working men doing this work for themselves. If they had capital, they could do it; if they had it not, they must be enabled to obtain it. Hitherto the working classes had lent to the Government and not borrowed from them; they invested their funds in the savings banks, and so lent their savings to the Government, because they had not yet seen the way to own and use them for their own benefit; but he hoped they would soon see their way to use them. Hitherto the law had prevented co-operative societies from investing in the building of cottages; the registrar said it was illegal; some societies, having more capital than they required, nevertheless invested in the building of cottages; now they were permitted to do so, but they were not empowered to invest in building societies; they could only build cottages for their own members. They found the cost of transfer very excessive; and they would be glad if the Association could do anything to get transfer cheapened. The societies built to make something out of their own capital. Capitalists lent their funds for the purpose of making profit; but they objected to co-operators doing so. The working man ought to be encouraged to invest his own savings. Within the last two or three years 65,000*l.* had been spent in cottage building by the co-operative societies of Lancashire, and all this had been saved from dividends. Let those who did not earn wages to pay rents for decent houses join a co-operative store, save 10 per cent. on their own consumption whatever it was, re-invest their savings, as the co-operators of Oldham had done until they had 300,000*l.* invested in cotton-spinning, and 15,000*l.* in stores, with exceptional immunity among them from drunkenness and crime; in no better way could the poorest help themselves to better homes; in no better way could we help them than by encouraging the co-operative movement, which did not make the progress it ought to do, although there were 300,000 members, with a capital of 3,000,000*l.*, doing a trade of 11,000,000*l.* annually.

Mr. GEORGE POTTER (London) said: The real question was how to raise the working class; they must have help from some source. All that had been given by Peabody had been monopolised by a class for whom it was never intended. A project had been mooted for erecting a block of buildings in the suburbs of London, in which should be placed a market, and a part of the scheme was to have a railway running from it to the town.

The CHAIRMAN (Mr. William Newmarch, F.R.S.) said the Section might very well pass a resolution asking the Council of the Association to give their special attention to the subject, and to make a report at a future convenient time. What was wanted was a report, or a series of reports, embodying the experience gained up to this time by co-operative societies, by the Glasgow, Jarrow, and Newcastle societies, and by the Peabody and the Waterlow trustees, for there must be living in improved dwellings, provided by all these agencies, a population of not less than 100,000 persons. The movement had been going on for longer or shorter periods

of time, and the observation had been on a scale so extensive as to afford every sort of experience, and he should like to see it worked out scientifically. If the Section sent up a recommendation to the Council he would see that this view of the case was put before them, that the one thing to be done was to collect experience. Speaking in his own name (for it had been erroneously assumed the day before that he spoke in the name of the Section), and taking the special question as stated (with some word substituted for lower, which never ought to be used in this sense), he would say that the discussion of the day had pretty well disposed of the suggestion that the State could do anything directly. There seemed to him to be force in the suggestion that the money of the working classes invested in the savings banks might, under proper regulations as regards security, be advanced by way of loan, and in no other way, on the principle of the Dwellings Act, 1866, to societies properly constituted, and able to give adequate security for the re-payment of the money. Personally he put aside all philanthropy, it was a hard, economical question; capitalists must and would have interest for their money. No progress would be made unless we put the matter on this hard, economical footing—somebody must make a profit. No working man had a right to live in a house at the expense of anybody else. The point to be arrived at was the establishment of a state of things in which, in the ordinary rate of supply and demand, it should be worth the while of builders to provide the kind of dwellings wanted. Two hopeful signs were that the improved housing of artizans ameliorated and advanced the condition of those below them, and that there was no difficulty in borrowing money in the open market; and as speculators were satisfied with their profit and loss account, the problem was solved in its essence. The most salutary action of municipalities was not to build up but to pull down habitations in which decency and cleanliness were impossible. The Act of Mr. Torrens was an important precedent, and it ought to be made as effective as possible. The difficulty of the whole matter was we had to deal with a class of people who, from long neglect and a variety of causes, had had the sense of decency and respectability crushed out of their minds. In Glasgow it had been stated they would not go into the improved dwellings, and in *Macmillan* Miss Octavia Hill narrated how difficult it was to get tenants, living in the most offensive and incommodious part of a court in Marylebone to move into better rooms and quarters, because all sense of decency and order had been obliterated. It did not rest with the State, the municipality, or philanthropy, to say by a stroke of the pen that this stratum of the population should occupy better dwellings; if they existed, and the people would not go into them, we could only approach them by steps, by improving the condition of the classes above them, as was being done in a small way, but successfully, at present. If it was true that the wholesome function of the municipality was to pull down and to enforce regulations against nuisances, we were beginning to make way. If we were right in saying that the State could not actively interfere, except as a lender, and, as any other lender would, by advancing money on proper interest and security, so we might make the same observation as to the municipality, always with the qualification that this was a reform essentially of a local character. There were many towns where no reform was wanted, and it would not do to take money from one to improve dwellings in another. The municipality would do most good by exercising with great vigour, and remorselessly, the functions of the police; and, if it interfered at all, it could interfere only as a lender of capital upon rigid conditions. The question was being solved, and he took a hopeful view of its progress. It was important that there were cases of distinct commercial success; it was still more important that the savings of the working classes were being invested by themselves in the best of all forms, the building of their own houses. The reform was beginning in the right way, the commercial motive of profits was found, and in the case of co-operation were added the motives of personal respect, independence, and comfort. When we could bring strong human motives and personal interests into play, we had set at work economical conditions which were capable of accomplishing much, and which had made this a prosperous and a happy country.

Mr. JOHN HOLMES proposed, and the Rev. HENRY SOLLY seconded:—

"That the Section recommends the Council to take into its consideration what legislation can be taken to improve and render more effective the 'Public Healths

Act,' giving power to close or remove property found unfit for habitation; and further, by what means statistical information can be obtained as to the experience of the various companies, societies, and other organizations which are engaged in providing dwellings for the working classes."

The resolution was carried unanimously.

LOCAL TAXATION.*

What principles ought to regulate the Assessment and Administration of Local Taxation?

A PAPER on the question was read by Mr. E. K. FORDHAM. The author said, local taxation, unlike almost every other system in the country, remained just in the state in which it was originally organized. It started with the assumption that every one in the country should contribute to the exigencies of the State in proportion to his ability to do so. This was fairly secured in the then state of things, when the only income from property was that derived from houses and land, or nearly so. Now the income from land and houses was only about one-third of the people's annual income, instead of constituting nearly the whole as formerly. It seemed to be conceded that the onus of maintaining the pauper, of educating him, of making roads, and supporting a police force for the security of the population, ought to be thrown on the people generally. How is it, then, that all these charges, which were always increasing, should still remain almost the exclusive burden of a part of the State, the owners of real property? There were several ways of accounting for this. One was that property in land enjoyed a protective duty on corn, which probably enhanced its price by 6*s.* per quarter on all the produce of these islands, say eight million quarters of wheat and two million quarters of other grain. This would give them nearly 3,000,000*l.*, a considerable set-off towards the charge of keeping up these institutions, which then did not exceed 6,000,000*l.*, but now that this annual grant of 3,000,000*l.* was withdrawn by the repeal of the Corn Laws and also on the importation of cattle, there seems no reason why these charges should not be again equally shared by the whole wealth of the country, or at any rate why a much nearer approximation to equality should not prevail. This might be accomplished in two ways. The area of taxation might be much extended —it might be extended to mines, now employing a large population, but paying little or nothing to the vast mass of pauperism created by such population. Then again, see the enormous number of ships—floating houses—their lettable value immense, tenanted by seamen earning millions for the shipowner, and leaving their pauper population, belonging to those employed in such vessels, a burden borne by real property only, from which these ships are exempt. Then there were the many millions of property in railways paying a very small proportion of income of the shareholders

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* See *Transactions*, 1868, p. 613.

towards the rates. Why should not railways be rated as land was? Why should not a rail owner contribute the same proportion of his income from rent or estimated rent of a railway as a landowner did from the rent of his land? The vast amount of wealth still untaxed for these purposes would bear some share of those charges which were paid from the national exchequer by arresting the diminution of duties on such articles as tea and sugar, and slightly increasing those on alcohol. Let the Post Office charges remain as they were, and there would be a constantly increasing surplus from this source. The property and income-tax also would yield a rapidly largely increasing sum. These sources would almost imperceptibly rectify the flagrant injustice of the present plan, now obsolete. With respect to the incidence of rates on houses, he contended that it was much more unjust than on land, and that it fell almost exclusively on the tenant. This state of things has an important result; thus 6*l.* rental would be rated at 5*l.*, and a poundage rate of 4*s.* would thus deprive the tenant of 1*l.* per annum. In the case of a labourer who earned 12*s.* per week, which would give him an annual income of 31*l.* 4*s.*, it would represent in his case a property tax of 8*d.* in the pound as his contribution towards the support of pauperism, &c., as occupier, while the owner of the house, much more able to contribute, would not, in respect of this property, pay a fraction. If this very unequal impost were removed, the labourer's house would cost him only 6*l.*. instead of 7*l.* as it did now; and he would have the 1*l.* to pay for a house with a second or third bed-room, so essential to the interests of morality. With regard to land, exactly the reverse was the case. Every tax, such as land-tax, tithe, rates, is always paid by the owner, and its amount affects the value of the land to the owner, but in no way concerns the tenant.

Mr. Burham Safford also read a paper on the subject, in which he said that the system of national maintenance in this country had destroyed self-reliance, forethought, and self-denial, and had fostered indulgence and sensual excess, and had become a premium on improvidence. It had deadened filial piety, having enabled children and parents both to throw their natural responsibilities upon the country. He advocated restraints among the poor on improvident marriage, such as existed conventionally among all other classes; but he deprecated the separation, and the deep anguish caused by it, of the poor old married couples in their declining years, as detrimental to the popular regard for the sanctity of the marriage tie. Those burdens of local taxation of a purely local character should be separated from those that should be national. The spirit of the basis of the existing Poor Law, passed in 43 Eliz., contemplated that personal as well as real property should support their mutual offspring—the poor. Since the rise of trading companies, the rising influence of commerce had, instead of relieving the land, enabled it to add to the burden of the land the maintenance of the vast number of paupers caused by

commercial failures. He contended that many of the grievances of taxation arose from the existence of too great a variety of financial machinery; and said many desirable results would accrue by rendering the taxation of the country equitable by transferring to one machinery all those subjects which were of a national character.

DISCUSSION.

Mr. W. Botley (London) denied that land bore an unfair share of taxation. Recently one of his tenants offered an increase of one-third of his rent for a lease of fourteen, sixteen, or twenty-one years, and the tenant could not have done this if the land had been unduly burdened. The agricultural districts were continually sending children into the towns for occupation, so that it was the towns rather than the land which had to support alien children. The wear and tear of horses and harness by bad roads made the maintenance of good ones profitable to the farmer. As to income tax, it was only just and equitable that realized property should pay double rate as compared with earnings. The increase in the value of land was due in part to the fact that it could not, like other capital, be removed to another country.

Mr. E. K. Fordham (Baldock) said it was a remarkably unsound argument that land could not be bearing an undue share of burdens because it was increasing in value. The rise in value was an accidental circumstance which did not affect the question. There were other species of property which had risen in value much more rapidly; for instance, Great Northern Railway shares, which four or five years ago were at 70, and were now 132; and yet the 20,000,000*l.* of capital invested in the railway paid very little to the rates. That, again, was an accidental circumstance, and did not affect the principles of liability. The fact that the farmer derived great advantage from good roads was no reason why he should contribute more largely to the cost than others. In his own neighbourhood the roads were much cut up by the carts of coprolite works which were not rated; and parishes containing railway stations were heavily rated for the equal advantage of neighbours. To meet such cases there ought to be, as under the Poor Law, a union chargeability Act.

Mr. Frederick Wilson (London) said rates ought to be paid by land because its value was enhanced by the increase of population without effort on the part of the landowner. Landlords ought not to be permitted to build houses unfit for occupation or in unhealthy places, and so to perpetuate disease and increase the rates; and the remedy for this was to be found in municipalities becoming the owners of the land within their jurisdiction.

Mr. Edwin Chadwick, C.B., said it was impossible to discuss the subject within the limits laid down by the papers, and indeed the rules of discussion would compel him to reserve for the present much that he desired to say on the subject. Many of our present difficulties were due to the dereliction of early established principles of Poor Law administration; had they been adhered to, administration would have been improved, and the burdens of taxation very largely reduced. When he investigated the subject in 1833, he found, wherever rates pressed heavily, a general disposition to shift the burthen of them; where manufacturers were uppermost the wish was to throw it upon agriculturists, and, where agriculturists were uppermost, they wished to throw the burden upon the manufacturers; and, even now the same state of things prevailed, and throughout the country there was a general contest to shift the burden of local taxation. Mr. Goschen had followed suit in proposing to transfer part of the burden from occupiers to owners, and there seemed to be little or no conception on the part of anybody that the burden was to be reduced by any improvement of administration. It was assumed that nothing could be better than present administration, whereas independent inspection would show that nothing could be worse. It was assumed that pauperism was a necessity, but examination would show it was nothing of the sort. In towns, the absorbing occupations of persons of the highest intelligence and responsibility caused local administration to be left to

those who were prone to low and sinister motives, and the result was that employers of labour gave out-door relief in aid of wages. It had been intended to put a stop to the payment of rent out of rates, but indirectly that payment was going on very largely. In districts where it was assumed that the Poor Law administration was incapable of improvement, out-door relief was wrongly given by small landlords in money, which was notoriously spent in the payment of rents to their own class, and in the same way small shopkeepers gave out-door relief in money which was spent in their own shops. All this resulted from the dereliction of a sound principle the partial application of which did keep down the rates, and the general application of which would save from three to four millions, which all experienced officers would agree with him in saying was relief given in abuse. If properly administered, all local taxation was beneficial to landed property, but present administration involved waste and damage to property, which were the penalties we must pay for the neglect of first principles.

The PRESIDENT (Mr. Newmarch, F.R.S.) said the local taxation of England and Wales amounted to 17,000,000*l.*, made up in these proportions:—Poor rates 8,000,000*l.*; county, hundred, borough, and police rates 3,000,000*l.*; highway rates 1,500,000*l.*; the rest being made up by church rates, and lighting, watch, and improvement rates. As regarded the incidence of rates, Mr. John Scott gave the following analysis in his prize essay on local taxation:—The poor rate is, in England, paid by occupiers, and managed by magistrates and elected guardians; in Scotland it is paid and collected half from owners, half from occupiers, and it is managed by owners and elected occupiers; and in Ireland it is collected from occupiers, and paid half by owners, half from occupiers, and managed by magistrates and elected guardians from owners and occupiers. The highway rate, in England, is paid by occupiers, managed by boards, like the boards for poor rate, who control a district, but the money is collected and expended in parishes, and not in whole districts. In Scotland the system varies in different counties. Owners generally pay all for construction; they share repairs with occupiers, and the matter is managed by a joint board of owners and elected occupiers. In Ireland it is paid by occupiers, and controlled by a board of ratepayers and magistrates. The rate must be passed by a grand jury. The county rate, in England, is paid by occupiers, and managed by magistrates; in Scotland it is paid by occupiers and managed by owners; and in Ireland it is paid by occupiers and managed by a grand jury, which includes certain elected occupiers. This statement put in a practical shape the question which was now before the public. It was assumed with too much facility that there was no means of reducing rates when it was certain that proper administration would reduce them considerably. The question was whether the English system of assessment wholly on the occupier was right or wrong; or whether it was better to collect the rates partly from owners and partly from occupiers. So far as discussion had gone it pointed clearly to the imperfection of the English plan. As between the owner and the occupier, on all principles of right, expediency, and economical justice, the occupier was fairly liable to provide out of his own resources a certain part of annual local expenditure, such as that for lighting, police, and poor law relief; and, on the other hand, the occupier, whether holding by the year or under a lease, was hardly liable for expenditure for what might be called permanent purposes, such as systems of drainage, and public buildings which would increase the value of the property. Such expenditure ought to be met by the owner, and now a considerable part of it was in England, and, under a suggestion for which we were indebted to Mr. Edwin Chadwick, it was spread over a series of years. Of late years nearly all the suggestions made relative to the taxation of the metropolis had pointed to a much more extensive division of these local burdens between the owner and the occupier than prevailed in England at the present time, and to the adoption in England of those principles which had been wrought out with far more success in Scotland, and to a certain extent in Ireland, than perhaps they had been worked out anywhere else. The much larger question which was incidentally raised was whether in regard to this local revenue some other kind of property besides real property should be brought into account. We knew that in England, and also in Scotland and Ireland, and he might say in nearly every other country in Europe, whatever the theory, the only fact was that those local burdens were assessed

almost entirely upon real property. The poor rate was originally designed to be levied on the means and substance of the contributor; but it was found impossible to assess stock-in-trade; and the system in England now was to assess houses, lands, and minerals to a certain extent. A party represented by Sir Massey Lopes said it was exceedingly unfair to real property that it alone should be assessed to local burdens, and various suggestions had been made for bringing into local schedules personal property of various kinds, such as stock-in-trade and furniture. It was fortunate we were able to refer to what had been done in the State of New York. The result of inquiries by a commission was to prove that the attempt in New York and contiguous States to raise the local revenue by assessment on real and personal and all kinds of property had been an entire failure; and it had been recommended that in future the assessment should be confined entirely to real property. For his part, he entirely agreed in that recommendation. The local taxation of Belgium, which might bear comparison with that of any other country, was entirely based on the principle of taxing only the visible, tangible, real estate possessed by a man. When we went beyond that we found ourselves landed in a maze of difficulties, out of which there was no escape. In the United States a large flock-master on the borders of two States removed his flocks from one to the other in anticipation of the assessment. In England attempts to tax stock-in-trade had generally been failures. Again, in this country for the last two or three hundred years, real property had changed hands subject to conditions based on its liability to local rates, and, if there were to be a considerable remission of these, that would be equivalent to giving a bonus to owners. This would involve a revision of contracts such as in this country we ought not lightly to undertake.

PAUPERISM AND THE POOR LAWS.*

On Poor Law Out-Relief. By Sir BALDWYN LEIGHTON, Bart.

PERHAPS the most satisfactory way of describing the principles that should regulate Poor Law Relief will be to explain the administration of out-relief in a certain, now notorious, Union; for the management of out-relief has always been the crucial difficulty of the system, and is now acknowledged to be the main question.

In attempting to demonstrate such administration as exemplified in the Union of Atcham, in Shropshire, an agricultural district of about 20,000 inhabitants—it may be instructive to state, first, two or three facts or principles which will be found to lie at the root of, and to be the key to, the whole matter, and which have certainly been here the main cause of what are now considered successful results.

(1.) The systematic adoption of strict and sound principles in giving out-door relief: the chief one being an attempt to set a premium on thrift and a discount on improvidence, as far as the present Poor Law will allow.

(2.) Personal devotion to the work—a constant unremitting energy on the part of one or two guardians, acting and re-acting on the officials. It is unnecessary to remind an audience of practical men that this minute individual service is the secret and the soul of success in carrying out any such intricate matters as the administration of a Poor Law; and that without such living spirit even the soundest principles become deadened and inoperative.

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* See *Transactions*, 1868, p. 593; 1870, p. 527.

(3.) Sanitary precautions to mitigate as far as may be that fruitful cause of pauperism, illness from bad drainage, and bad ventilation.

First, then, with regard to out-door relief :—When an applicant comes to the Board, and before he appears there, a minute investigation is made into his circumstances and antecedents, his home is visited, and his family and relations scheduled. Some such course is supposed to take place at most boards, but in many, such as in London, where the applicants are many and the relieving officers comparatively few, the inquiry is not very thorough. But further, there is required here the earnings of applicant's family, children or relatives able and bound to assist, rent paid, and quantity of land held, state of cottage whether tidy or the contrary, character of applicant, and name of his employer ; whether he ever belonged to any club or has ever made any efforts to provide for himself or his family, and if his children have been vaccinated.

If a parent's sons or daughters are earning wages this would be taken into account, and the guardians would consider them bound to contribute to the support of their parent according to their ability. No relief is ever given to non-residents ; and no out-relief is ever allowed to illegitimate children, nor to deserted wives, whom experience shows to be generally in collusion with their husbands.

If the rent of a cottage exceed 4*l.*, relief would only be granted for a short time, in order to allow the pauper to look out for a cheaper dwelling. Should the applicant have more land than a garden, the guardians would refuse out-relief, except medical or temporary, on account of the bad example to the poorer neighbours. Should the bedrooms be over-crowded, except with a man's own family, the guardians might refuse out-relief.

If a man or a woman's character is indifferent, out-relief is generally refused, but in the instance of members of benefit societies the case is always favourably considered. In determining the amount to be given to a member of a benefit society (not sufficiently provided for thereby), this Board, after some scruple, in which the desire to promote provident habits has come into collision with the rule of the Poor Law, have determined, *ceteris paribus*, to give the members of benefit societies one half they would give to applicants in the same position who were not members. This cannot be considered altogether satisfactory, and it is altogether illegal, but of this more hereafter.

When widows or men with children apply, the Board offer to take part of their family into the house, and though this plan was first introduced in order that the children of widows should receive an education, or in the case of sick men that the ventilation of his home should be improved by lessening the numbers, yet it has proved, rather to the surprise of the guardians, a most efficient test of destitution. It is, in fact, an application of the workhouse test, without breaking up the home ; but the children so admitted, are far more carefully seen to than in most Union schools, and according to the

reports of the Poor Law inspector, it is one of the best managed in England.

In considering the question of out or in-relief the Board have never been guided by motives of economy, falsely so called, but wholly and solely by principle. "Money is no object to us" has often been the conclusive answer to guardians or applicants who argued for granting some wretched dole that would only have gone to pauperise, or to supplement wages. In the return of expenditure for in-door paupers, it may be perceived that the individual cost is higher than in most unions, thus proving, that as far as money goes, more care and regard are shown than in most unions.

(2.) And that brings us to the personal service and supervision in the whole administration. Very considerable interest has been taken by the Chairman and some of the other guardians in the condition generally of the inmates, and especially in the school. The children are not only taught reading and writing, but they are industrially trained and so fitted for service that there is never the slightest difficulty in obtaining them places; there is, in fact, a local demand for them. It has been found by careful inquiry that a very small number of these children ever return to the workhouse, and hardly any who have had time to experience the effect of the training, so carefully bestowed. With this practical experience before his eyes, and with a lively knowledge of certain facts existing under the old Poor Law, when relations, and often mothers themselves, were paid for taking care of their own children, the Chairman, who for nearly forty years successfully worked this Union, had formed a strong opinion adverse to the effect of such an experiment in this country as the boarding-out system which has lately been sanctioned by the Poor Law Board.

Upon the same grounds, namely, to discourage that sort of communistic dependence too often promoted by the present administration of the Poor Law, the Chairman was strongly opposed to the introducing of the Compound Householder Act into his Union, namely, the creation of a class of persons unconscious of rates. When Tom Smith has to pay for his neighbour, Jack Robinson, he will see that he does not too easily come on the rates, but when Smith has nothing to pay, he is not so careful; and to this insidious cause may be often traced the prevalence of actual pauperism; in the Union above quoted, the only district where pauperism appears above the average being where the Small Tenements Act is in force. Perhaps it may some day be made clear that those who, for political or other reasons, made this Act universal in towns, exhibited culpable ignorance of a fruitful source of pauperism, and have aggravated, not a little, the difficulties of those engaged in dealing with the matter.

To the personal energy which made the school a model to Poor Law inspectors, was in great part the whole success of this administration due. A chairman of a union who will find opportunities for constant personal communication with the master, schoolmaster, and other officials, will strengthen both his own and their hands, and a

guardian who will inquire minutely of the inmates of a workhouse how they came there (generally flagrant improvidence) will learn some of the most fertile local causes of pauperism. An inquiry as to how those are living who have left the workhouse, and who have been refused out-relief, will often lead to still further disclosures; but this, it should be observed, is impossible in any very large area of management, and difficult in any but a very moderate one. Therefore the present policy of the Poor Law Board in enlarging areas, some already unmanageable by their bulk and thereby destroying the possibility of personal supervision, is not the way best calculated to reduce pauperism.

But this personal supervision and care were still more shown in the district where the Chairman himself resided. Here in two Poor Law parishes, comprising a population of about 2500 souls, the pauperism amounted to only ½ per cent., almost all being in-door relief. While in one of those parishes, containing 300 souls, entirely owned by the Chairman, the pauperism amounted to some fraction—virtually *nil*. Thus by no spasmodic or accidental process, but by distinct gradation and care, an example of the extermination of pauperism is here shown. This consummation was entirely arrived at by setting a premium on thrift, and a discount and discouragement on improvidence, as a landlord can, by giving away little or nothing directly, but by spending considerable sums in improvement of cottages, drainage, &c., and by always declining, under any circumstances, to supplement the Poor Law relief.

These principles have been systematically applied for nearly forty years with the following results as regards statistics:—

	1836.	1856.	1870.
Population	17,855 ...	19,080 ...	19,314
Paupers	1,395	329	293
	or 8 p. c.	or 1¾ p. c.	or 1½ p. c.

The reduction in expenditure is more than 100 per cent., namely, from 9800*l.* in 1837, to 4230*l.* in 1868. The present rate is 6*d.* in the pound for the relief of the poor. But these reductions, inaugurated by the new Poor Law, were going on in many places during those years, and are in no way exceptional. What is exceptional and unique in England is the proportion of the out-relief to the in-door poor, namely:—

1834.		1856.		1870.	
In.	Out.	In.	Out.	In.	Out.
196 ...	1199	176 ...	153	154 ...	139

Showing the pauperism proceeding at a decreasing ratio to the increase of population. Out of 600 unions in England this is the only one that exhibits a smaller proportion of out-door poor to in-door. For anything approaching a parallel you must go to the Irish Poor

Law, where the regulations and medical relief make comparison difficult. But the ablest men have now declared their convictions that it is not the in-door but the out-door pauperism that is the subject that most demands attention and reform.

It does not require anything like forty years to produce these results; less than forty months, in the opinion of the aforesaid Chairman, might suffice to make a serious diminution in even the most pauperised unions; but what makes the difficulties so great is the habits of the people promoted by the present fatuous administration, and the absence of men capable and willing to devote themselves to the work. And, indeed, it is hardly wonderful if few are to be found to give themselves up to the laborious and gratuitous, but at the same time thankless, task of taking in hand a union of some 80,000 or 100,000 souls, of whom some 8 or 9 per cent. are already hopeless paupers.

(3.) Then, with regard to preventive measures, the most preventible and yet most fertile cause of out-relief is sickness, from neglect of the most obvious sanitary precautions. Therefore, in any case of more than casual sickness, in any sudden epidemic, attention in this Union is immediately directed to the state of the cottages in question; and if found, as is usually the case, in a state of palpable unhealthiness, the notice of the landlord or his agent is at once called to the circumstance; and it generally happens that either through the local guardians, or some other influence, an improvement is made. By this means the death rate in the Union has been reduced to fourteen per 1000—one of the lowest in England. And here it might be mentioned that the duties of guardian should not altogether cease when leaving the board. If landlords and clergymen, guardians and others, would interest themselves a little in these apparently small matters of the economy of life; if, instead of diffusing direct charity, they would use some active intelligence and sympathy in their own immediate neighbourhood by first serving on boards of guardians and getting to understand the relation of law, and then applying practically sound principles to the elevation and improvement of the poor, they would be the greatest allies a board of guardians, and a chairman in particular, could have in his struggle with pauperization, and make the Poor Law itself a means of raising instead of a mode of degrading a population.

In many unions it would be desirable to appoint at once a medical inspecting officer for a short time, to examine and report upon sanitary deficiencies, and this more especially in towns where much sickness is produced by neglect of the most simple precautions.

Much of the success herein recorded was considered by the Chairman to be due to the perfect harmony and unanimity that reigned at the Board, and to the zeal and activity of the officers. The changes for the last thirty years, both in guardians and officers, have been as slight as is compatible with human life.

In conclusion, to recur to the question of giving relief to members of benefit societies (in which must be included the members of some

that have by a wrong basis of computation broken up), and also in giving relief to applicants who at some time have attempted by deposits in savings banks or otherwise to make some provision for illness or old age, the issue is rather an important one. It is a difficulty which has occurred to most practical administrators of modern Poor Law, and it is a question not yet solved by the circular of the Poor Law Board in 1840, or the letter of January 5, 1870, in answer to Mr. Paget, and the Somersetshire miners, which is given at p. 108 of the Poor Law Report of 1869-70.

This much, nevertheless, may be said, that, however correct in law, or sound in theory, a system may be which encourages improvidence, or teaches the poor, as they are being practically taught in nearly every union in England, that any provision they make will disqualify them for relief—which is looked upon often as a sort of right—any such system must, eventually, come to be superseded by a more elevating one, and however perfect, even in principle, it may appear, you must first make it perfect in practice before it can be advantageously adopted. Furthermore, as a matter of principle, is the essential communism incorporated into our Poor Law itself altogether sound? Is not the system itself a matter of expediency and compromise, and therefore to be applied as a system of expediency and practical effect? What is the practical effect of this, not what is the strict theory, must be the question answered by the Poor Law Board.

There is an association, co-extensive with the Poor Law districts, now rapidly spreading over London, and known as the "Society for Organizing Charity and Repressing Mendicity," some of the members of which from the first commencement realized this difficulty, namely, when John Thrift and William Spendall appear before a board of guardians, John Thrift, who has made some provision for himself and family, is sent empty away, but William Spendall, who has never saved a farthing, is provided and cared for by the other ratepayers, and goes home rejoicing to pauperize his friends and neighbours.

This Society, through some of its committees, has attempted, as far as might be in the two or three years of its existence, to reverse this principle. John Thrift is to them a subject for assistance and sympathy, but William Spendall must look to the bare subsistence of the Poor Law. Is it impracticable to introduce such a policy into our present Poor Law? Here is a sort of outline for consideration, *quantum valet:*—

(1.) Administer generally your relief on a more liberal scale to those who have made some attempt at provision for themselves than to those who have not, and so set a premium on thrift.

(2.) As a rule the annuity or allowance of a friendly society should not be directly supplemented, since it ought to be adequate; but give to non-subscribers, *ceteris paribus*, two thirds only of what members are receiving, or the offer of the workhouse.

(3.) As a matter of principle and general rule, make it extensively

known that those who when able make no provision for themselves will get less favour, if, indeed, any out-relief given at all. This need in no way be adopted at first as a hard and fast rule, but merely declared as the ulterior practice gradually to be taught to the poor, and the example of a few cases will soon be found contagious.

(4.) A Government recognition and insurance of all benefit societies that will pass a liberal scale drawn up by actuaries; namely, on the principle that one generation should support another—the young the old.

A step has already been made in this direction by Mr. Gladstone's Post-office Savings Bank and annuities — but information is at present very scantily supplied to different post-offices. The attention of the Poor Law Board might be called to this.

And now, finally, as one fact is worth forty arguments, consider these three—three great organized facts or systems working within the cognisance of, and actually in connection with, the Central Poor Law Board, and all tending to some better effect than towards improvidence and pauperism.

First.—The administration of the Union herein described, where these sort of principles have been practically applied for nearly forty years with this sort of result:—That if pauperism over the rest of England could be brought to the same level, the country and the ratepayers might be saved some 2,000,000*l.* or 3,000,000*l.* a year, and according to this experience the poor proportionately benefited, for that is the main point in question.

Secondly.—The Irish Poor Law where out-relief, except medical, is so strictly administered that the number represents only 1·15 of the proportion so treated in England. These statistics somewhat tally with those of the Union above described.

Thirdly.—The movement known as the Society for Organizing Charity and Repressing Mendicity, which has now laid itself alongside the Poor Law in London, and is gradually extending itself over the whole country, which, in reversing the present treatment of the poor, and substituting personal service and sympathy for mechanical cash-nexus, is seeking to raise up over England a new system to correct the vices of the old.

For side by side with a strictly administered Poor Law we should require and desire, especially in towns, a thorough co-extensive administration of localized and organized charity; not that thoughtless, easy giving, miscalled charity; not that vicarious system of paid secretaries, endowments, subscriptions, and sympathy by deputy, that is twice cursed—that curses him that takes and him that gives; no, not that, but hearty co-operation and personal service, with money spent on sound economic five-per-cent. principles, such as the improvement of the dwellings of the poor in towns has been shown to be, and with it all an associated power of repression towards vagrancy and imposture.

To sum up, then, and to repeat the practical causes that have

been found in the aforesaid Union to reduce pauperism to a minimum, and out-door relief to the smallest in England, they are these:—

(1.) A strict administration of out-relief.

(2.) Personal energy, supervision, and sympathy.

(3.) Sanitary precautions.

(4.) And last, but not least, a practical reversal of the present Poor Law policy, and a revolution by administration in setting a premium on thrift.

The Migration of Paupers. By E. Herbert Draper.

IT may seem an important question to raise, whether or not the law should be altered which prevents Boards of Guardians—the nominal administrators of the Poor Laws—from furnishing a poor person with the means, I will not say of going to another parish to seek work, but of going to another parish where work has been found for him.

But there are two reasons which occur to me as good reasons for ventilating the question. In the first place the existing prohibition does operate to fetter the hands of not only philanthropic but economic guardians, who try not only to relieve the legitimate wants of the poor, but to keep down the poor rate; and as a Poor Law Officer, whose work lies in the metropolis where guardians of the Poor are seldom deserving of that name, but ought to be styled, as in fact they are elected to be, trustees for the ratepayers to keep down the rates, I am exceedingly anxious to see every obstacle removed which hinders guardians from attending to the legitimate needs of the poor in a wisely philanthropic manner.

The other reason for calling attention to the matter is that, as a member of the Social Science Association I trust that pauperism and the Poor Laws will continue to receive the Association's most earnest attention, and this is an item which deserves to be attended to when the larger subject is approached.

If it seems to affect the law of settlement, I shall not regret the fact, for at the risk of throwing down a gauntlet which will be greedily picked up, I unhesitatingly say that the sooner the laws of settlement are expunged from the statutes the better. The waste of money alone in travelling to investigate, to say nothing of the time and energy and money lost in investigation and litigation, far exceeds the cost required to send occasional male or female servants to places of work, although the amount so wasted is happily small compared with what was wasted under the old and recent systems.

The law on the subject at present (12 and 13 Vict., c. 103) [cf. P. L. A. Act, 1834.] enables guardians to borrow money for the purpose of emigration out of the country to an amount not exceeding one half of the average yearly poor-rate of the parish, but they may not spend one penny in sending a person from the parish of his residence to another parish in the kingdom. Cases where it would

be desirable to give such help frequently occur, some more deserving than others. I give an instance of a young girl brought up in the workhouse school in one of the metropolitan parishes. She had friends in Staffordshire who offered to support her if the guardians would send her. Enquiries were made by letter, and it was proved to be in every way a good thing for the girl, but the guardians were unable to pay for her journey out of London, although the amount required was less than two weeks' cost of maintenance in the workhouse. Eventually they undertook to help her privately, but even this was, strictly, illegal, for there is a section of the old statute (22 Geo. III., c. 83, s. 41) known as Gilbert's Act, which enacts that when any guardian, or other person or persons shall entice, take, convey or remove, or cause to be enticed, taken, etc., any poor child, etc., from one parish to another without an order of removal, he or they shall forfeit a sum not exceeding 20*l.* nor less than 5*l.* Cases occur where single men apply for means to go and seek work where there is a demand for labour, but the parish can only support them out of work, it cannot help them to get work. All I propose is that just, as the Local Government Board does not sanction the expenditure of money for emigration, unless they are satisfied that there is work for the emigrant on his arrival in the new country, so they shall be empowered to sanction expenditure for migration with the same supervision and power to refuse the expenditure, adding the safe and easy precaution that no poor person should be sent from one parish to another without corresponding with the guardians of the parish to which it is desired to send the labourer or servant, and obtaining their consent. I can see no likelihood of an abuse of this permission, but I do see that by the change there would be removed from the hands of well-meaning guardians one of those many fetters which induce them often to neglect the needs of the poor, and attend only to the secondary parts of their duty.

If the subject appears to any gentlemen interested in the proceedings of this Department to merit more attention, I humbly suggest that the further question should be considered, I mean not only that guardians should, with similar precautions in both cases, aid emigration and migration, but—whether it is not desirable that Government should, out of the consolidated fund, aid emigration and migration with a view to relieving those districts where the supply of labour is in excess.

Mr. Alsager H. Hill read a paper on "The Influence of the Poor Law on the Deterioration of Labour." He said that he had no desire to call in question the expediency of a Poor Law generally. Careful investigation and experience lead him to believe that in the present state of society some public provision for the weaker and more helpless classes of the community is absolutely necessary. He believed he was justified in saying that very large numbers of persons, more especially in the winter months, are wholly or partially supported out of the rates, without being called upon to enter

the workhouse as a condition of such assistance. A glance over the yearly statistics of the Poor Law Board will show this painful experience not to be confined to the metropolis. In all directions the principle of extending out-door relief has made itself, year by year, more conspicuous in the administration of the various boards of guardians. In London, certainly, if not universally throughout the great cities of the country, large numbers of men, able-bodied, and according to official statements, ready and willing to work, are engaged in stone-breaking, oakum-picking, and other unremunerative employments in the workhouse yards. To such an extent is this true that in many of the poorer unions of the metropolis the opening of the stone-yards is looked upon as one of the customary phenomena of the early winter; and large numbers of men are generally ready, at a moment's notice, to avail themselves of its advantages. Large bodies of the poor systematically prepare themselves to enter on a winter campaign in the stone-yard; and to show the extent to which this has become a purely artificial system of supply and demand, it may be stated that in more than one instance metropolitan stone-yards have been closed with little or no notice, and small or no grievance or injustice has been found to follow. The consequences are that able-bodied men are generally occupied the greater part of the day on stone-yard tests, and have few or no opportunities for looking for work outside of the workhouse limits; and the resignation with which the natural support of the labour market is acquired, is amongst the most painful symptoms of the evils wrought under the system. In the second place, large numbers of men, not always of the best character or of the most contented frame of mind, are artificially brought together to engage in work which they are well aware is given them as a test, and is in a small degree only, if at all, remunerative to the employing parish. The necessary stimulus and pride which should accompany healthy and natural labour are almost entirely taken away. The worst consequence is, the low-level contentment with a mere parish-yard subsistence, earned at little or no expense of mind or muscle, which it is found almost invariably springs up after a short acquaintance with the stone-yard. Upon this contentedness very naturally follows a reluctance to remove to other fields of labour, and a consequent dying out of that spirit of enterprize and adventure which should secure the wholesome and natural circulation of labour. The author then proceeded to state a few results of his own experience, during the last six months in endeavouring, through the operations of a Labour Agency in the heart of London, to assist the distribution of labour. A strong disinclination, he said, existed to leave London—habits have become fixed at a low level, and they do not care to change them; secondly, an unwillingness to change a paltry certainty of parochial wage for a fair and substantial remuneration elsewhere. Many large railway and other public works are languishing for want of rough labour; but our workhouse doors are never wanting applicants at pay time, and those results are not confined to the male portion of our working

community, very large numbers of widows and children are kept in a state of low and hopeless indolence or servitnde by reason of the out-door system of our Poor Law administration. There seemed no escape from these evils till the whole system of out-door relief is thoroughly amended, or if needs be abolished. The law of settlement, in addition to the mere guarantee of relief in the event of distress, is no doubt, largely responsible for the state of things; and till this law is materially modified or abolished, the stagnation and deterioration of labour must, he feared, continue. He concluded by stating that in the absence of a more thorough and penetrating system of elementary education more instruction in the elements of cheap and co-operative thrift, and a more economical organization of the means of locomotion, he was not hopeful of any great changes in the industrial condition of the great masses of our poorer population. But as a primary condition of any real change he was convinced that a more rigid application of a good Poor Law based as ours is on the principle, that without work a man shall not eat, is absolutely and immediately essential.

A paper was read by Mr. GEORGE HURST, F.S.S., containing "Suggestions for the Suppression of Vagrancy." He stated that though there had been several methods tried for the suppression of vagrancy there were still about 36,000 vagrants in England, who obtained a precarious existence by begging, pilfering, or practising various kinds of imposition when at large, but at times alternated between the prison and the casual wards of the country. It was generally thought that a vagrant life was chosen because of the charm of a roving life; but he contended that most of the vagrants were made so from press of circumstances, and once vagrants it was difficult to reclaim them, as vagrancy then became a habit. The real vagrant—the pest of society—continued to be so from necessity. Many had grown up to it from infancy, while others became so from some crime or indiscretion. The result was that no one would employ the regular vagrant even if he wished for honest labour. They might drive the vagrant from place to place; they might worry him until they shortened his useless existence, but this would never enable him to become a good member of society, for which he had neither the chance nor the capability. The great question was whether something might not be done to check this great evil—not by punishing and crushing the vagrant, but by raising such as were able-bodied to an improved position. As for the blind, crippled, and infirm, they must continue to be a burden upon society, but it was not necessary that they should be permitted to wander about the country. After referring to the various modes adopted in different places for the suppression of mendicancy, he said, to render the condition of the vagrant more wretched than it has been, to adopt deterrent methods, was not the way to suppress vagrancy. Give them first the means of earning an honest living, and, if they neglected to avail themselves of this opportunity, then punish them to the utmost. Speaking of the large number of foreign

vagrants who come to this country under the guise of street musicians, he would adopt compulsory measures for sending them back again. With respect to the children of mendicants, they should be subjected to some regulation similar to that provided by the Prevention of Crime Act, which enjoins that the children of women convicted of crime, and who have no visible means of subsistence, or who are without proper guardianship, shall be deemed to be children to whom the Industrial Schools Acts apply, and ordered to be sent to a certified school. Establishments should be erected for the reception of the able-bodied vagrants, where they might be taught some industrial occupation. Unreclaimed lands might fairly be appropriated by the State for this, or any other purpose, by paying to the owners not a fancy price, but their actual value in their unreclaimed state. By the land being brought into cultivation the establishment, if not wholly, would be in part, self-supporting, and whatever was earned would be for the benefit of the public, as so much obtained from the labour of persons whose time had hitherto been passed unproductively. The system would scarcely be said to be an infringement upon the liberty of the subject, as vagrants and persons having no legitimate means of subsistence have always been liable to punishment. By the plan suggested they would be merely kept under restraint, not as a punishment but for their own advantage and that of the community, and the term of their confinement would be limited according to their own docility, exertions, and improvement. From such an establishment men might often be rendered useful to carry on public works. Women, as a matter of course, would be employed in washing and other domestic work, and occasionally in the fields, which would well qualify them for home or colonial occupation.

Mr. F. Boult, one of the representatives of the Liverpool Financial Association, read a paper on "Some of the Principal Causes of Poverty and Pauperism in England, and their Needful Remedies." Assuming that the people of a civilised and advancing nation, having the means regularly and sufficiently, would feed, lodge, and clothe themselves in reasonable accordance with the recognised laws of health—and referring to the facts that in England and Wales there are a million of paupers, besides large classes on the verge of pauperism—the writer contended that the chief end of social science was to discover the causes of this chronic poverty, and to suggest the necessary remedies. The remedy is to give absolute freedom to industry and trade in every department, so that none may be hindered, at least by law, from earning an honest living. The restrictions imposed on the four great branches of productive industry in these kingdoms—agriculture, trade, manufactures, and credit or banking—were so numerous and their burden so great, that those who had been deluded into the belief that we are already in the enjoyment of free trade, might well be astonished, whilst the only effectual remedies might find little favour with certain influential

classes, though none of them were opposed to national justice, the reasonable rights of property, or any recognised law of political economy. As to agriculture, the condition of the labourers in most of the country districts was simply a national scandal; a large proportion of the tenant farmers were needy, and little given to improvement; notwithstanding recent applications of skill, science, and capital, much of the land was only half farmed; and they had it on the high authority of Lord Derby that the land did not produce one half of what it ought to be made to yield, whilst Mr. Mechi made a higher estimate of the deficit. Ought the amusements, the social standing, the family arrangements, or the pecuniary interests of any class to weigh a feather against this monstrous fact? The remedies suggested were, 1st—Equal division of the property of intestates, with due provision for widows. 2nd—Absolute prohibition of all settlements on persons unborn, the annulment of all such existing settlements, and power for the encumbered landholder to sell if he pleases, and to mortgagees or other encumbrancers power to require him to sell as much of the estate as will discharge their claims. 3rd—A Tenant-right Bill for Great Britain as well as for Ireland. 4th—The abolition of all property in game, giving the tenant full right to kill or sell without license or other interference. And, lastly, a thorough reform of the existing system of sale and transfer of land, with proper registry of titles, with the same facilities of transfer as exist in France, America, Australia, and elsewhere. If such measures as these were passed—leases substituted for annual tenancies, and decent dwellings provided for labourers, the writer predicted that the peasant would cease to be a burden on any estate—poor-rate no longer vary from 2*s.* 6*d.* to 4*s.* in the pound or more—whilst families would become active, enterprising, and improving, and the land yield its due return, with large increase of rent and saleable value. Proceeding to treat of manufactures and trade, the writer contended that industry and exchange were legally prohibited to an incalculable amount by customs and excise duties and restrictions. The remedy suggested was the substitution of direct for indirect taxation, by means of the re-imposition of the land tax of 1692, according to its original intent and meaning, namely, 4*s.* in the pound upon the "full true yearly value," supplemented by an occupation tax on houses and business premises payable by tenants; or, if necessary, though unadvisable, a revised income tax on other classes of the people. The burdens and restrictions imposed upon trade and manufactures by trades unions with respect to apprentices, equality of wages, limitation of work to be done by each workman, &c., were described as being vicious in principle, as injurious in their effects, as tending to establish a low level of middling, unintelligent, and slovenly workmen and workmanship—obstacles in the way of invention and economy—and tending to drive the pick and flower of our mechanics abroad to teach foreigners to undersell us in the world's market and our own. The trade in credit or banking was described as the last surviving monopoly in English commerce,

the supporters of which had been vainly challenged to show what benefit the public derived from it. The remedy suggested was an adoption of the Scottish system of banking, with the addition of ample security for payment of notes in gold on demand, in the shape of a deposit at the Mint of 100*l.* in Consols for every 90*l.* of notes issued by any bank or individual.

CONTAGIOUS DISEASES ACTS.*

The Contagious Diseases Acts. *By* JOHN ARMSTRONG, Barrister-at-Law.

THE question how to deal with prostitution, that "very complex result of a multitude of evils," is one of no small difficulty. From the nature of things irrepressible we find it introducing, if left to itself, moral and physical evils of the gravest nature, and if brought under regulation and control, borrowing from coercion itself a quasi sanction, so that we can with difficulty determine whether it is more injurious to ignore it altogether or to legislate for it. In considering a question of this nature any dogmatic expression of opinion is no less out of place than indifference to the evils requiring to be remedied.

It will therefore be my aim rather to collect the elements which appear to me best calculated to assist the judgment than to present conclusions on whose absolute acceptance I desire to insist.

Prostitution may be defined to be the mode of life adopted by women who, having no means of living derived from honest employment, obtain them by habitual and indiscriminate lewdness. It may be further described as a mode of action, of danger to the public health.

A common prostitute is one who practises prostitution so flagrantly and notoriously, by the commission of overt acts or otherwise, that all reasonable doubt as to her mode of life is excluded.

Whether we look to the extreme wretchedness and degradation to which the unfortunate women who have adopted this mode of life are often reduced, or to the frightful diseases which they scatter broadcast amongst the people at large, it would be difficult to exaggerate the evils which owe their origin to prostitution.

The physical evils, independently of disease from which common prostitutes suffer when left to themselves, and the condition of utter degradation to which they may sink, do in fact beggar description and almost defy belief.†

The diseases incident to prostitution appear to be principally of two types, one, though painful and inconvenient, is it seems com-

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* See *Transactions*, 1870, p. 220.

† As a specimen of the horrifying details brought to light by inquiry, I may refer to the evidence given before the House of Commons Committee, in 1869, by Dr. Barr, the visiting surgeon at Aldershot, as to the state of things existing there before the introduction of the Acts.

paratively speaking seldom formidable, the other is destructive in the highest degree. The pernicious effects of the severer malady are not confined to the indulger in vice, but may be communicated, and even generatively transmitted, by him to innocent persons. This deadly disorder is so insidious in its nature that a woman suffering from it, and in a condition to impart it, may yet be for some time ignorant of her contagious state, and even when she discovers it, may continue her mode of life for some time longer with comparatively little pain or inconvenience to herself.

Injured themselves, and careless of the injury they inflict on others, greedy of gain, reckless of consequences, impatient of hospital restraint, it is easy to imagine that until absolutely compelled to desist and to seek relief from suffering, these abandoned creatures will still pursue their loathsome trade, despite disease, to the incalculable injury of the community, and if soldiers and sailors be the objects of their commerce, to the no small detriment of the forces.

Into the medical part of the question, however, I do not propose to enter, as, for my present purpose, I may fairly treat it as closed, the only reason for discussing such a question at such a meeting as the present being, that the profession is agreed both as to the existence of a disease of the highest social importance and the most effectual means of dealing with it, and consequently that the question remains for discussion;—Will social and political considerations lead us to accept or reject the medical conclusion. I will only call attention in passing to a recent statement of Dr. Farr's. He says, "In seventeen years the mortality thus designated has risen in the ratio of thirty-five to eighty-five. Some more effective steps are required to stop the ravages of this insidious disease, which is the primary cause of many deaths returned under its ultimate transformations. The bones, the brain, the bowels are all infected by it. Innocent children are the chief, but not the sole sufferers." So much for the medical part of the question, which is, I have said, outside the range of the present discussion. Moreover, to dwell upon the evils entailed by prostitution, whether on the women who live by it, or on the community which cannot report, is absolutely superfluous. No one competently informed can doubt their intensity; among such, divergence of opinion only commences when we turn from the contemplation of the evils to the consideration of how to remedy them. This consideration, how are the evils incident to prostitution to be remedied is, in fact, the great difficulty which must be fairly faced in attempting to form a judgment on the present controversy. And here we may ask what line of conduct is it just and right to adopt towards prostitutes? To repress them altogether and extinguish prostitution, would doubtless be the most satisfactory solution of the difficulty, and is, I believe, gravely advocated by some. It is however unhappily impossible, and we shall, I think, find that from the practical stand point these courses only are open to us.

1st. We may leave them to themselves on the principle that the

inevitable misery in that case in store for them is not only the fitting goal of their abject lives, but the best reformer, and the best deterrent. 2ndly. We may leave to private effort and private benevolence the work of healing and of mercy. 3rdly. The State may recognise the injury done to the social system and the suffering entailed upon individual members, and endeavour to avert the one and relieve the other. Much doubtless may be said for each of these different methods, a satisfactory conclusion as to any can only be arrived at after a patient investigation of the "multitude of evils" of which it is "the complex result." Upon an inquiry so vast I will not even attempt to enter, but I may perhaps be permitted to suggest that the general result would probably be that no inconsiderable proportion of these unhappy women owe their condition in no small degree to the fault of our social system, and that so long as the causes of prostitution remain what they are, we none of us can say that we are wholly guiltless in the matter. Such a result would seem sufficient to determine us against the first proposition, independently even of the consideration, not altogether unimportant, that prostitution is too injurious both to its victims and to society to be let alone. With regard to the second possible course, we may, I think, not unreasonably infer the hope of the future from the performance of the past. Whether we look to the means (independently of these acts) of relieving disease or effecting reformation, how miserably short do they fall of what is required. I say this with great reluctance, for I am well assured that there are many earnest workers in this thankless field, and not to their shortcoming, so much as to the magnitude, of the work to be done, would I attribute the manifest failure. Sure I am that we cannot estimate too highly, or respect too much, the work of those who strive to help the helpless, and labour for the outcast and despised. Inasmuch as you did it unto the least of these my brethren, ye did it unto me. That the evils inflicted by human indifference or guilt may be healed by human charity is an attractive dream but must be relinquished. The field of labour is too wide, the objects of charity too many. However unwelcome the conclusion, it needs but short reflection to convince us that while indifference is unjust, and inclination so voluntary, effort if left to itself is inadequate, and that in the contest with a wide spread system of evil, we must, if we would act effectually, have recourse to a system equally extensive.

But here a difficulty, to which I have alluded, meets us. This systematic dealing with prostitution may wear the appearance of countenancing vice, and we cannot but allow that much as we may commiserate the sufferings which prostitutes bring on themselves, such a consideration would scarcely of itself suffice to justify special legislation for their relief, if otherwise objectionable. While admitting this much, however, it must be borne in mind on the other hand, that much as we may condemn those who have dealings with prostitutes; the fact that the diseases thereby contracted by them are due to their own vicious indulgence ought not to deter us

from legislating for them, if once it can be shown, as in fact it has been, that these diseases are of national importance.

From this hasty survey of the nature of prostitution, and of the considerations which prove the necessity of in some way controlling it, I may pass on to the general principle on which all sanitary legislation is based. This has been well laid down by Mr. Simon, as follows: "The principles now affirmed in our statute book are such as, if carried into full effect would soon reduce to quite an insignificant amount our present very large proportion of preventible disease. It is the almost completely expressed intention of our law that all such states of property, and all such modes of personal action or inaction as may be of danger to the public health should be brought within scope of summary procedure and prevention." And he goes on to show that "in the interest of health the State has limited the freedom of persons and property, and interfered in many special relations." Prostitution then, being, as we have seen, a mode of personal action, that not only may be, but is of danger to the public health, it follows that these laws against which there is so great an outcry on the score of their novel and unconstitutional character, as to their principle, are strictly in accordance with established rule and jurisprudence, and that consequently, instead of asking why should these laws be enacted, the real question is, Why should the evils against which they are directed, be exceptionally treated, by being let alone? and thus it appears that a strong *prima facie* case exists in their favour, and that the onus of proof rests not on those who support, but on those who oppose them.

These Acts then being, as we have seen, limited in their application to certain localities, and although falling within the general principle above alluded to, presenting the first attempt at applying it to this particular mischief, may be regarded as an experiment, how far this has been a successful one, has now to be determined.

In the Report of the Commission objections are enumerated as being commonly made against these Acts, and worthy of more or less serious notice. They are as follows:—

(1.) That the Acts are designed to provide sound prostitutes for soldiers and sailors, and that this is implied in their title.

(2.) That such legislation, by rendering vicious indulgence less hazardous, has a direct tendency to promote immorality.

(3.) That the protected districts are in fact resorted to by libertines, and that married men and youths are induced to visit the registered women by the security they are supposed to offer of freedom from contagion.

(4.) That the practice of registering prostitutes, and subjecting them to a periodical examination for the purpose of ascertaining whether they are in a fit condition to follow their trade, is in itself an outrage upon public decency and morality.

(5.) That such a system is virtually a recognition by the State of the trade of prostitution.

(6.) That the compulsory surgical examination of the women at

stated intervals is calculated to remove any lingering sense of shame in the subjects of such operation, and to harden them.

(7.) That the increased gains of prostitution consequent upon the improved condition of the women offer a temptation to girls to enter upon this way of life.

(8.) That it is unfair to exempt men from the restraints and regulations to which women are subjected.

(9.) That the Acts are opposed to the principles of constitutional law.

These opinions are neither accepted nor repeated by the report, but are so stated that every one can form his own opinion of their value.

The first objection contains, to my mind, a most unfair imputation upon the motives of the introducers of these Acts; and it is a manifest confusion of terms to state as identical operations, the removal of diseased, and the providing of sound, prostitutes. Whatever colour there may have been for this objection, will, however, be removed, if the suggestion of the Commission to transfer the administration of the Acts to the Home Office be adopted; and, if the principle laid down by them be recognized, that not only garrison towns, but all such places as are special centres of disease, should be subjected to this legislation. The second and third objections prove too that this would be equally true of any effectual means that might be adopted, whether by the State, or by voluntary effort, for curing the diseases of this class of women. The fourth objection contains again a palpable misstatement of the object of the Acts. The sting of the fifth lies in the meaning attached to the word recognition. If by it is intended licence, express or implied, then no doubt the Acts are open to observation; but, to affix such a meaning to the term, is to put upon it a forced and unnatural construction. The sixth objection, if well founded, should, in my opinion, make us pause. It is a serious matter to make repentance more hard, or to confirm an evil life. But are the Acts really obnoxious to this charge? I must profess myself unable to believe that women who are always ready to yield themselves in the course of any day or night to the promiscuous embraces of a series of chance comers without repugnance, or who, if they feel repugnance, are able to overcome it for the miserable wages of their vileness, can be hardened by submission to this medical inspection.

The answer to the eighth objection is obvious. There is no class of men corresponding with this class of women; there is no man of whom it can be predicted that he must have illicit intercourse with the other sex, and certainly if diseased, he can, and generally is compelled to abstain from such commerce. A prostitute, on the other hand, whether diseased or sound, having no other means of subsistence, must every day find her quota of men, or cease to live. The sanitary law deals not with the sin, but with the admitted form of danger to health, with the woman whose existence depends upon her prostitution of herself, and whose mode of life is a matter of common repute.

The ninth objection forms one of the most curious contributions to legal claims with which I am acquainted; and if it could be supported, no summary conviction before a magistrate could be sustained.

Even if these objections were sound instead of fallacious, there are certain advantages attributed to the Acts which may fairly be set in the balance against any of these objections that may be considered sustainable. Although other influences may, to a certain extent, tend in the same direction, it is reasonable to suppose, quite independently of any evidence that may be forthcoming to the point, that by the operation of these Acts, the numbers of dissolute women to be met with in the streets of the subjected towns, have been sensibly diminished. Any woman acting as a prostitute, must, sooner or later, under this system, be registered as a common prostitute, and treated accordingly. Now, this consideration must operate strongly in a large class of women. Milliners, servant girls, and the wives of sailors and others, whose frequent absence from home gives opportunity for licence, who might be willing to indulge in acts of unchastity if they led to no ulterior consequences, will hesitate before they act in a manner calculated to bring them on the registry as common prostitutes. And thus not only are the numbers of prostitutes much less than they otherwise would be, but the reduction in the number of low women frequenting the streets lessens the opportunity for, and the temptation to, acts of vicious indulgence on the part of men. If then we may believe that by these Acts the number of loose women is diminished, and solicitation sensibly checked, and even the common prostitute rendered not only less diseased, but less filthy and ragged, less hungry, and less debased, we must recognise in them the seeds of good, especially when we remember that it is only by indirect means that we can repress prostitution, or raise the prostitute.

With regard to the charges of grave misconduct made against the police and medical men employed in carrying out these Acts, the Commissioners have unanimously reported that these charges are all of them, either absolutely false or gross exaggerations. I believe that much of the opposition has been excited and fostered by the too ready credence given to these idle tales, and it cannot be too widely known that the notion so industriously circulated, that the law and its administrators have been so stupid or so wicked as to mistake for common prostitutes the respectable wives and daughters of working men, is nothing better than a clumsy calumny. When we remember that the police inspectors charged with this duty, are picked men, enjoying in no small degree that best distinction, the confidence and esteem of their superiors, and further, that the flagitious conduct imputed to them, would be possible only on the supposition of connivance on the part of the medical men who are gentlemen of standing and known integrity, the common sense of the nation will endorse the verdict of the Commission, and stamp with grave disapproval these wanton attacks upon private reputation and character.

Now the report distinctly states that there is a serious evil that

demands effective treatment, and that the periodical examination of common women presents the most effectual means of dealing with it, but partly on the ground that I have just suggested, and partly because they are not satisfied that sufficient good cannot be achieved by other means, the Commission, on a balance of considerations, recommend the discontinuance of their examinations. Whether this opinion is really conclusive against them, may, I think, be fairly doubted. Coupled with it is another recommendation, subject to whose adoption, or to others more efficacious, if such can be found the discontinuing recommendation must be taken. Moreover the remark may fairly be made, that as yet a sufficient trial to enable us to judge of the results attainable by them has not been made.

We cannot expect to find at once the best means of controlling prostitution. These Acts are the first attempt made in this country at dealing in a methodical manner with an admitted source of sickness, poverty, and misery, and, so far as they extend, prostitution has been confronted by a system which at least in intention is healing and beneficial. This view is strongly put forward by the report, which attaches great importance to the maintenance of a system which if it cannot altogether annul, may at least materially mitigate a pestilence which is not like other contagions of occasional occurrence but one of perennial growth. "By what is done in the subjected districts, we see what might be accomplished throughout the country, and here I intend no advocacy of indiscriminate extension, nor do I defend the system merely as a means of protecting the health of soldiers and sailors, though much may, in my opinion, be said for this view. The report takes wider and stronger ground, when it lays down the general principle that special regulations for the treatment and control of a class of persons frequenting certain districts under certain conditions calculated to promote disease, are alike just and expedient." This affords at once a sufficient reason for retaining and a sound guide in extending. The committee while thus insisting upon the necessity for this system, believe that it can be carried out by machinery less obnoxious to criticism than the periodial examinations, but this is after all a minor and comparatively ephemeral opinion dependent upon circumstance which future experience may either justify or overturn. The real principle established by the report, which will survive when the means suggested for carrying it out may be superseded or forgotten, is this, that State interference for the purpose of detecting and sending to hospital and retaining them till cured—and all by compulsion—diseased prostitutes, is alike just and expedient and preferable to the voluntary system.

"If shape it can be called that shape has none."

For what after all is this voluntary system? It is simply leaving to chance the detection and cure of disease, and the offer to the fallen of the opportunity of reformation. It is either struggling against evil with inadequate means, or making of ample means an inadequate use. When the prevention of disease, the relief of misery, and the

restoration of the fallen are the objects of pursuit, we cannot afford to turn aside to choose chimeras. We must indulge no vain ideas that prostitution can be put an end to.

"All sects, all ages, smack of this vice."

What the world has hitherto been and is, it will in all essential aprticulars continue to be. Prostitution is not a necessity, God forbid that I should say so; but it is a fact, a serious fact, with which I submit that we are bound to deal, and to use every means which science can suggest and law enforce, unless we are prepared to go back instead of forward, and wilfully to perpetuate to the future generation an infinite amount of preventable disease and suffering.

On the Same. By H. N. Mozley, Barrister-at-Law.

The first Contagious Diseases Act was passed in the year 1864. It was found that seamen and soldiers suffered greatly from venereal disease. Under these circumstances, the military and naval authorities not unnaturally looked to continental countries, and particularly to that country which is nearest to us, to see how the evil was dealt with there. Accordingly, they caused a law to be passed on the principle which has so long obtained in France, applicable however to naval and military stations only, and not nominally recognizing prostitution as an institution of Government.

It would be unjust to attach any very severe censure to the promoters of this legislation. They unquestionably acted to the best of their judgment for the promotion of the interests with which they were charged. They wished to render vice safe, not indeed for its own sake, but in so far as this safety might promote the efficiency of the army. True it is that they seem to have completely ignored the moral aspect of the question. But the moral aspect of the question was at that time very imperfectly understood. It had not then received the exhaustive discussion which it has since received, nor was it at that time doubted that the French army was in a fair state of efficiency, and owed that efficiency in a great measure to legislation founded on the same principle.

I have said thus much, because nothing is more common than to hear supporters of the Contagious Diseases Acts appeal to their own good motives as a reason (apparently) for the continuance of the system. In last month's *Blackwood*, for instance, we are told that there was no thought of legalizing vice; all that was desired was to check disease. We reply that the promoters of the system have in fact legalized vice, whether they intended it or not. If every law is to be judged according to the motives of its promoters, a good deal of the laborious inquiries which are from time to time instituted as to the operations of particular laws would become quite unnecessary.

What then is the objection to this kind of legislation as applicable to soldiers and sailors? First of all, it treats them not as moral and

responsible beings, but as unreasoning brutes requiring the gratification of their lowest and most sensual appetites provided for. It develops to the utmost their animal propensities, and does its best to stifle all higher aspirations. A great deal has been said, and that justly, on the degrading effect this system must have upon the unfortunate women who are subjected to it. I submit, however, that the degradation inflicted upon our soldiers and sailors is quite as great. Assuming, then, that these Acts did increase the efficiency of the army and navy, we should submit that the means employed were not such as could be rightfully employed for the purpose; but, in fact, that which is immoral can never be really expedient; and especially might we infer that anything which tends to demoralize the soldier cannot promote his efficiency. Such an inference is fully confirmed by the history of the late continental war. And if it be said that the system is also in operation in Germany, I would reply that its introduction there is far more recent, and its operation more limited than in France. The demoralization produced by such legislation would necessarily take time to show itself. Again, did not the British army gain splendid victories at the beginning of the century before Contagious Diseases Acts were thought of for the country? Why then should they be supposed necessary at the present day?

Now with regard to the medical question. It is sometimes the fashion to talk as if the medical profession were unanimous in favour of the principle of the Contagious Diseases Acts. No statement could be more flagrantly untrue.

[The writer of the paper here referred to the opinions held by Mr Simon, Dr. Chapman, Mr. Holmes Coote, Dr. Drysdale, Dr. Bell Taylor, and others, and gave quotations from the three first-named authorities on the subject.]

We now proceed to consider the moral question, in the narrow sense of that term—How do the Acts tend to promote or discourage unchaste living? That they would, in any direct way, encourage chastity in men is a proposition which I have never heard contended for, even by the strongest supporters of the Acts. So far as the Contagious Diseases Acts are successful, to that extent they must encourage dissoluteness of living by removing the fear of its attendant dangers. If they do not do this, it can only be because they fail in their object. It is ridiculous to urge that the fear of evil will not operate to deter men from actions, whether of an innocent or guilty character. All penal legislation is based upon an opposite principle. Of course, it may well be that the sanction may be insufficient in many individual cases to counteract the temptation; but to say that the sanction would in no case be effectual is absurd. But then it is said that the Contagious Diseases Acts diminish the number of prostitutes in the stations to which they apply. This is a point on which there is a good deal of conflict of opinion, into which I do not propose to enter.

Now that I have touched slightly upon the particular branches

of the question, I would now consider it with reference to the means employed. These are, to invade the personal liberty of certain women, on the ground that they are propagating disease. Now every law properly so called interferes, more or less, with the liberty of those affected by it. But the interference with liberty, as that phrase is understood in connection with the Contagious Diseases Acts, is a far more cruel thing than that interference with liberty which is implied by the existence of law. Again, viewing it merely as an interference with liberty, the question in every case must be, whether the restraint in the individual case is a necessary evil or not. And in attempting to answer this question, it is exceedingly pertinent to inquire whether there is any inequality in the application of the law which is not warranted by the circumstances or necessities of the case. If, for instance, a law having a certain object be applied only to class A, when there is no apparent reason why the object of the law would not be equally fulfilled by its extension to class B, its exclusive application to class A is *primâ facie* vicious. If sound in its principles, it does not go far enough. There is nothing more common in British legislation than this kind of inequality, which proceeds generally from inadvertence. The Contagious Diseases Acts have been no exception to this rule. While, as I have said, acting with the utmost severity and cruelty towards unchaste women, they let unchaste men go scot-free. And the manner in which they act upon unchaste women is not such as to induce the world to suppose that the Legislature regards prostitution as in any way objectionable, but rather that it is a legitimate profession, and that the State has nothing to do but to see that those who exercise it are properly qualified to do so. If the medical evidence showed that the medical examination of profligate men could not serve the object of the promoters of the Acts, the present objection as regards inequality could not apply; but no such evidence has been given, so far as I am aware of. The argument is not at all grappled with by the Commissioners in their report. They attempt to justify the distinction made between the sexes, partly by a supposed difference in the moral delinquency of unchastity according to the sex of the wrong-doer, and partly by the question of the medical examination of soldiers and sailors, a question which seems to have been suggested by the remarks made by certain witnesses before the Commission, but which is utterly irrelevant to the question we are now discussing, which is, why, if unchaste women are subjected to periodical medical examinations, unchaste men, whether soldiers or sailors or civilians, should not be equally so subjected.

To revert to the other part of their argument, we may observe that this also is wholly beside the present question. Be it remembered that supporters of Contagious Diseases Acts are nothing if not "sanitary reformers." Sanitary reform, in fact, is the watchword of the party. In order to justify the different treatment of the sexes, it should have been shown that the examination of unchaste men would be useless as a measure of sanitary reform. Now a great

deal of evidence has been given by supporters of the Acts as to the amount of disease imported by soldiers and sailors and foreign traders.

[The writer then cited from Mr. Berkeley Hill's evidence before the Lords' Committee in 1869, and referred also to the opinions of Sir Henry Storks and Mr. Romaine on the propagation of disease by men. See also Reports of Commons' Committee, p. 49, and the opinions of Dr. Barr, of Aldershot, in p. 33. The writer then attacked the argument that it was not possible "to catch the men," and proceeded:—]

Of course, while we prefer to take the supporters of the Acts on their own ground, we must not be understood as admitting for a moment the supposed difference between male and female unchastity. Every individual case which it is necessary to consider must be considered upon its own facts: but what we are contending for is, that there is no *à priori* palpable difference between the sexes in the matter. If the Commissioners' statement of this question be the correct one (which we may assume for the sake of the argument), then we say the case of the unchaste man is certainly worse than that of the unchaste woman. What they say is that unchastity in man is an irregular indulgence. But what crime is there of which this may not be said? Man is naturally corrupt, and he is bound to fight against his evil inclinations; and nothing can be said worse of him than that he does not do this. While, however, we claim the distinction made between the sexes as an argument against the Contagious Diseases Acts, and all legislation based upon such a system, it must not be inferred that we should at all approve of a system of medical examination of men. Believing the whole system of the Contagious Diseases Acts to be founded on an erroneous principle, we are strongly opposed to its extension in any direction.

Now, as to the effect of the Acts upon the general respect in which women are held in this country. However good may be the motives of those who support this legislation, there is one construction which in minds wholly or partially depraved is sure to be drawn, namely, that it is an understood and recognised doctrine that man was made for self-indulgence, and that women (at all events poor women) were made to satisfy the irregular lust of man. Can it be supposed that such a notion will not tend to lower the respect in which woman is held? I would on this point refer to an article which appeared some months ago in the *Saturday Review*, on courtesy to women. The writer laughed to scorn the popular notion of French chivalry, and gave instances from his own experience of the selfish insolence with which women are treated, in railway carriages for instance. Nor was he less severe upon Italians. On the contrary, he paid a high tribute in this respect to Great Britain and the United States. Is it wholly out of place to suppose that the demoralizing effects of licensed prostitution had ingrained themselves into the national character, and that the same thing will happen in this country if this legislation be persisted in?

Now let us consider the inequality which this system creates between the rich and the poor.

Taking again as the basis of our argument the statement of the Commissioners, that female incontinence arises from love of gain, we ask, Do rich women sin from love of gain? If not, here is at once a difference made between the rich and the poor. Of course I do not contend that this inequality is in itself a conclusive objection to the system, else we should have to repeal our laws against theft and fraud in money matters, and other similar offences which, by the nature of the case, must be committed chiefly by the poor. But I do mention it as a reason for narrowly watching the operation of the system, and for urging upon the rich the question whether they would acquiesce so tamely in legislation of this kind if it were *their* wives and daughters, and not the wives and daughters of the poor, who are subjected to the police interference of the kind sanctioned by the Contagious Diseases Acts. And I cannot but think that these considerations acquire additional force from the appeals made from time to time to the selfish indifferentism of the upper classes by press writers in the interest of the Acts—appeals made in a very different spirit from that of the poet—

"Homo sum, humani nil a me alienum puto."

Wealthy ladies are told that they need never know of these things, and ought never to concern themselves about them. What can such writers mean except that the rich are specially protected by the circumstances of their position from the evils and abuses incident to the working of the Acts, and, that being so, they need not trouble themselves how the poor may be affected by them?

But it is often said, that, as a matter of fact, no case has been made of innocent women being molested under the Acts; and the statement of the Royal Commission in paragraph twenty-three of their report is often quoted triumphantly as to the absence of any such case. To this we may reply, first, that if there be no such case in reality, the Acts must have been administered with a conscientiousness and a scrupulosity which is almost superhuman. And if there are such cases in reality, would it be very surprising if the victims, modest women as we assume them to be, were exceedingly reluctant to come forward in the matter at the risk possibly of their reputation and of their livelihood? You cannot prove the negative. But this is not all. For actual cases of abuse, I may refer to Mr. Applegarth, one of the Commissioners, who has stated that he did find cases where the police had exceeded their duty; cases where respectable women had been stopped by the police, and compelled to undergo the examination. There is also a pamphlet, called "The Royal Commission as a Court of Justice," giving detailed cases of the abuse by the police of the powers entrusted to them, which the Commissioners had not time to investigate.

[The writer of the paper here referred to the abuses of the so-

called "voluntary" submission, and to the unsatisfactory character of the Commissioners' report, and continued :—]

I would now advert to a popular fallacy by which it is often attempted to defend legislation of this kind. It is said that the Acts are not intended for the benefit of unchaste men, but for that of the innocent women and children whom they infect. The obvious answer to this is that any serious misconduct on the part of a father of a family will, more or less, affect his wife and children. Suppose, for instance, a clerk is tempted to embezzle his employers' money, will he escape punishment because if he were sent to prison his family would be ruined? We punish the guilty, though we know that the innocent will be involved, to a certain extent, in the punishment. Why should persons suffering from venereal disease be so specially under the protection of the law?

I would conclude with a few observations with regard to the principles of legislation involved. To check disease is not a *necessary* function of government; I mean, it is not the object, or even one of the objects, for which governments are constituted. It is outside of the *necessary* scope of governmental functions. I do not, of course, by this mean that it is not within the possible scope of legislation. Many things are done, and properly done, by Government, because they cannot be so well done by any other agency. But, judging from legislative precedents, the suppression of vice has been not less the object of governmental action than the check of disease. And if this is as it should be, what is to be said for a law which encourages vice to the extent to which it checks disease? If the law succeeds, it encourages vice, in men at least; if it does not do so, it is because it fails in its effect. What would be thought of a law which, by way of checking pauperism, should provide for giving doles to beggars? You might thus in the individual cases relieve distress, but there can be no doubt that such a law would be followed by a great increase of pauperism. You would be attempting to get rid of a public mischief by pampering the very vice which feeds it. And so with the diseases resulting from incontinence. The law attempts to check these diseases by granting impunity to the vices which foster them.

In the words of Mr. Acton, who is a supporter of the Acts, the best regulations cannot guarantee freedom from disease. "The brothels are crowded on inspection days from the presumed extra security; the hope of escaping punishment multiplies vicious habits, and many are tempted by the health inspections, who otherwise would not incur the risk." So that vice is encouraged to a much greater degree than disease is checked. But, independently of these considerations, there is the outrage on personal liberty, and the abominable cruelties necessarily incident to the examination; cruelties which are rather aggravated by the fact that those upon whom they are perpetrated are the most helpless and despised of human beings.

*Are Strikes necessary for the protection of Workmen, or Lock-outs for that of Employers?** *By* FREDERIC HILL, Barrister-at-Law.

WITH returning commercial activity the country has to deplore a fresh and extensive resort to Strikes; greatly checking that full tide of prosperity which might otherwise flow, and preventing that hearty feeling of good-will and respect between class and class which is so necessary for general happiness and for political security.

That these violent interruptions to labour, with their counterpart Lock-outs, are great evils, that they cause enormous loss and waste, that they tend to destroy habits of steady industry and to cripple and drive away that very trade on which both workmen and employers depend, few will deny; but, unhappily, to many persons Strikes and Lock-outs seem, nevertheless, under certain circumstances, unavoidable, and therefore to be borne as best they may; but, for myself, I hold a very different opinion; believing, that whatever transient effects they may produce or seem to produce, they are no more essential to the admirable system established by the benevolent Creator of the world than are wars and pestilences. For what, by a law, as certain as that of gravitation, must result, without any joint action either of workmen or employers, when wages, as compared with the rate of profits, are too low or too high, or the hours of labour too long or too short? Assuredly, where wages are too low or the hours too long, all employers desirous of increasing their business (as which of them are not?) being stimulated by a state of things in which their profits are unusually great, will try to increase the number of their workmen by offering higher wages or a reduction in the time of labour, or both; while any employers who do not at first recognize the necessity for a change will soon find, by the gradual secession of their workpeople, the absolute need of conforming to the acts of their neighbours. And what, also, must quickly be the effect of wages (again as compared with profits) being too high or the hours of labour too short? Men from other places or even from other employments will flock in and underbid their fellow-workmen; or the employers must close their works during part of the week; or capital will gradually be withdrawn from that branch of trade.

No doubt these operations require some time to come into full effect; and, no doubt, a rise or fall in wages or in the hours of work may sometimes be accelerated by a Strike or Lock-out. But at what a cost, both in money and feeling, is this mere anticipation brought about! A cost generally, if not always, far exceeding the gain. And if, as is frequently the case, the party insisting on the

* See *Transactions*, 1865, p. 518.

change makes a mistake, and the tendency in the labour market is in the opposite direction to that which they supposed, or is not to the extent which, in fixing their empiric rate of wages, they assume, then are this great expense and embittered feeling utterly in vain, and the erring party is doomed to defeat.

Let it also be remembered that every shilling of wages or profit which, by the cessation of work and the stoppage of machinery, is thrown away, is so much withdrawn from that fund on which workmen and employers alike depend, and, as far as it goes, must be a subtraction from the general rate of wages and profit.

What then, if this reasoning be just, should be its practical application? An abandonment of all attempts artificially to regulate wages and hours of labour and a willingness to leave the matter to the quiet but certain operation of natural law. But, it may be asked, while this may be wise if both parties will consent what is to be done if one party refuses? Must not combinations of workmen to strike be met by combinations of employers to lock-out; or *vice versâ?* No, I venture to reply; any more than it is wise for a country to close its ports against free trade until other countries are willing to open theirs. I hold that while it is an error, even in a selfish sense, for workmen to strike, it is but to double the error and greatly to delay the abandonment of Strikes and the whole system on which Strikes are based for employers to lock-out.

To state, yet more specifically, the course which seems to me politic, in the case, say, first, of a Strike, I believe that the wisest action on the part of those employers to whose works the Strike extends, would be at once to yield to the demand, if such course impose a smaller loss on them than would a temporary stoppage of their business; and that the only requirement which they should refuse to accede to is one to bind them to continue a stated rate of wages or number of hours of labour indefinitely or even for any long period; so that they may be at perfect liberty to make a change whenever men come forward to offer better terms.

Should a case arise of an employer being evidently selected as a victim on whom it is attempted to impose a rate of wages very different from that in general use, and inconsistent, therefore, with the state of the labour market, with the intention apparently of frightening other employers into the adoption of a similar unreasonable demand, surely it would be wise, on the part of the employers generally, to uphold the intended victim by financial aid and thereby to defeat the plot.

And the converse of the course I have suggested in the case of the employers I would advise in that of the workmen, when there is a threatened Lock-out. I would say to the workmen—"Yield to the employers' demand rather than throw up your work and be idle; but at once bestir yourselves to learn what wages other employers in the same trade are giving, and what hours of labour they require; and if you find you can better yourselves by engaging at some other factory go there; or if, for a time, there be no vacancies in your own

trade, and you can get better wages than those offered to you at some other employment, make a temporary change (such as a large number of workmen at Newcastle lately made) and wait until matters have righted themselves and your former situations are again open to you on terms in tolerable accordance with those generally given elsewhere.

In exceptional cases I need not advise workmen to adopt the course recommended to employers, seeing that such sustentation is their ordinary practice.

Such a course of proceeding is in unison with that which long experience has induced our country to adopt in relation to all other commodities, and I see no reason whatever for an exception in respect to the commodity of labour. Bakers do not combine to keep up the price of bread, and consumers do not combine to keep it down; and most persons must now agree that all such combinations would be both futile and mischievous; and thus the law, which is but the expression, in the long run, of public opinion, has ceased to interfere in the matter.

If workmen and employers had really opposing interests, the difficulty of bringing about a general and lasting peace between the two classes would indeed be great; perhaps insurmountable; but, as maintained in a lecture on the subject which I had the honour of delivering about a year and a half ago, the opposition of interests is only apparent; and, on careful examination, vanishes. For supposing, as I then did, a number of workmen and employers to meet together to agree upon a scale of wages, is it not clear that one and the same scale would best serve the real interest of both parties namely, that most in accordance with the actual state of the labour market? For suppose that either party succeeded for a time in obtaining a deviation in its favour, what must be the result? If, on the one hand, the scale were placed too high, a motive would be offered to men to come in from other works; while the employers would have an inducement to transfer part of their capital to other concerns where profits were not unduly depressed. And thus, in the end, the workmen, instead of being benefited by their supposed success, would really be injured. And so, on the other hand, if the scale were placed too low, the men would straightway have a motive for seeking employment elsewhere; the obvious effect being to render part, at least, of the invested capital unproductive; to the obvious injury of the employers. If, therefore, it be demonstrably true that even in the matter of wages workmen and employers have the same interest, in other words, that both parties must be injured by any deviation from the market rate, then, as already implied, the cost of every contest proceeding on an opposite theory must be utter waste; and great becomes the responsibility of every one who throws obstacles in the way of those friendly meetings of workmen and employers, in which facts and opinions may be fairly and freely discussed, with a good prospect of just views being ultimately attained. As evidence of what sincere desire, seconded by tact and temper, can

achieve in this way, I need only refer to Mr. Mundella's success in establishing Boards of Conciliation at Nottingham and elsewhere, and to the long periods of peace and harmony of which these boards, where formed, have proved the harbingers. Had such a meeting taken place at Newcastle—an expedient, the adoption of which this Association's Committee on Labour and Capital tried in vain to procure—I cannot but think that the Strike there might soon have been brought to an end; indeed Mr. Burnett, Chairman of the Nine Hours League, in his last letter to the *Times*, expressly declared that had there been such a meeting the late unhappy Strike would not have taken place.

That the improvement in trade warranted an increase of wages, and that the employers were ready to make such increase, is evident by Sir William Armstrong's letters in the *Times;* so all that had to be done was to commute this increase in money for a decrease in the hours of labour; a decrease which, as shown by the experience of Sunderland, was very likely to prove, by the act of the workmen themselves, merely nominal.

Sir William Armstrong states that such a decrease, if real, would diminish profits in a much greater degree than would a corresponding increase in wages. If this statement be correct, the first thing, in a friendly conference, would have been to point out to the men that that large loss would not be confined to their employers, but would inevitably extend to themselves. But other modes of meeting the difficulty might have been considered; perhaps, for instance, one which has, in some sort, its analogue in the Post Office, viz., increasing the number of workmen by one-ninth; so as, without any disturbance of established hours, to admit of every workman having one day in ten holiday; an arrangement which might, perchance, have proved quite as acceptable to them as an hourly decrease in the ordinary day's labour. The system of relays might also have been considered; and both the terms recommended by Mr. Mundella and those which were ultimately adopted.

That some satisfactory adjustment might have been effected at Newcastle by a friendly conference between the workmen and their employers is rendered more probable by the result of the proceedings at Mr. Stephenson's great works; where resort was had to direct and frank communication; by which considerate and wise course the disastrous Strike was, as we know, averted from an important and extensive establishment.

Let us, however, rejoice that, at last, the Strike has come to an end; the termination having, I believe, in no small degree been brought about by the exertions of three members of the Committee on Labour and Capital—Mr. Mundella, M.P., Mr. Walter Morrison, M.P., and Mr. Pears. The great thing was to enable each party to get out of the false position in which, if the view I have taken be correct, it had placed itself. The precise terms of agreement are, in my opinion, of little importance; for, at no distant time, natural law will make the balance right, even if, for a time, it be wrong. To this law, as

one to which both workmen and employers must yield, Sir William Armstrong refers in his letters to the *Times;* but what was wanted was not a mere speculative recognition, but a faith, of which the adherent was ready to give practical evidence.

Before quitting the case of Newcastle, I think it well to advert to a statement in one of Sir William Armstrong's letters implying that, by a reduction in the hours of labour, workmen may command payment at a higher rate; seeing that by this course the number of workmen is, in effect, diminished, with a corresponding diminution of competition. Such a view I hold to be an economic error, and one of great practical importance, both in the groundless fear it creates (as in the present instance) in the minds of employers and in the false hopes it raises among workmen—hopes to which may be attributed some of the most mischievous regulations of certain of the Trades Unions; such as restriction in the number of apprentices and the exclusion, from employment, of men not brought up to the particular trade.

That an *immediate* result of a reduction in the time of work might be an increase in the rate of wages I do not deny; but I maintain that such a result would be of short duration, owing to its tendency to draw workmen from other places and from other occupations, and to the check it would give to consumption and to the employment of capital. Even supposing, for a moment, that all the effect could be thrown on the consumer (which, of course, is impossible), and that the workman could receive higher wages than the market rate without diminishing the employer's profit or driving away capital, every workman should remember that he is himself a consumer; and that if a reduction in hours or rather in the quantity of work performed could, without loss to the workman, be adopted in one employment it could be adopted in all others; and that such change would be succeeded by a general enhancement of prices. And thus, in the long run, he would be no gainer.

That a rising or falling amount of profit, and the state of the labour-market, are felt to be the ruling facts on which a rise or fall of wages must depend, is shown by the constant reference to this matter in the discussions to which Strikes and Lock-outs give rise.

The idea that wages are fixed, not by any natural law but by the will of the employer, is, I hope, for the most part, discarded by intelligent workmen; though, as shown by experience, such want of power, on the part of the employer, is no obstacle to the voluntary performance of those acts of benevolence which personal intercourse and the possession of superior means, always suggest to a kind heart; while, on the other hand, such acts should, in fairness, be taken as free gifts, and as good offices of man to man; and should not be distorted, as to the Parisian workman's vision, into a mere instalment towards the discharge of a large debt.

There is, indeed, a School which maintains that, instead of capital being labour's main-spring, it is its unaided produce; some zealots

going even so far as to denounce capital as labour's enemy. But I am sure you will agree with me in opinion that every such rhapsodist is either a mere class-flatterer, or else grossly ignorant of the subject on which he presumes to declaim; an observation strictly applicable to the compounders of that document, so replete with ignorance and folly, which has lately been addressed, by the International Society, to the people of Switzerland; but to which I trust the Swiss are too intelligent to give ear.

It is a striking fact that in Paris, where, as we know, these false doctrines are rampant, nothing but the capital thus attacked had kept its very assailants alive; since, during the siege, production was entirely suspended, and there was nothing but capital to live upon.

If, then, all attempts to force up wages are, at best, but labour in vain, are there no ways in which, without force, the desired end may be attained? Many, I would reply. As is now generally admitted, everything which, by adding to knowledge, developing intellect, or improving character, renders a man a better workman, must, sooner or later, enable him to earn more money. Again, much would be done to increase the potency of labour, and, therefore its marketable value, by a more general substitution of piece-work for time-work. But, beyond all this, the amendment in the law of partnership (at which this Association so long laboured) has opened new resources of great value. The arrangement, now made practicable, under which part of a man's wages shall rise or fall with every fluctuation in profit, instead of waiting for adjustments by fits and starts, though, as yet, not adopted, I fear, to any great extent, is one which, for the welfare alike of workmen and employers, we may hope to see brought into general use; since, by the motive which it creates in both parties to promote, by diligence, punctuality, thrift, and invention, the success of their joint undertaking, it must tell powerfully in causing an augmentation of that fund on which, at all times, both parties depend, and in which, under such arrangement, workmen have a direct share.

Should this arrangement become at all general, any employers not adopting it would carry on their trade at a disadvantage; as they would not be able to offer wages equal, in effect, to those given by others; and their workmen, therefore, would gradually leave them.

I cannot leave this point without indulging the melancholy pleasure of calling to mind that our lamented colleague, Mr. Edwin Field, who lost his own life in saving that of a friend, was one of the earliest and most ardent supporters of a reform in the law of partnership; and gave proof of his conviction on the subject, by admitting every person in his large legal establishment, down to the very porter, to a direct share in its profits.

A yet further improvement, made practicable by the new law, is the establishment of Industrial Partnerships—a subject on which Professor Jevons has given us so much information—and which, as we know, is, however slowly, forcing its way into adoption.

If, instead of contests tending to mutual destruction, workmen and

employers would labour for the attainment of these good and practicable objects, how much more wisely and profitably would they be engaged! It would, I believe, be a moderate computation to estimate the joint loss caused by the late strike at Newcastle, at 15,000*l.* a week, or, for the whole period of nineteen weeks, during which the strike lasted, at more than a quarter of a million sterling; and how far might the sum thus thrown away have gone towards enlightening the whole country on the subject under review, and towards bringing into general use, the first, at least, of the two great improvements I have just named!

This task, as you are well aware, was undertaken by a Committee appointed by this Association; a task which two distinguished members of that Committee, Mr. Mundella, M.P., and Mr. Brassey, M.P., with whom has been associated Mr. Applegarth, well known as an able advocate of the rights of labour, are, at this very time, engaged at a generous sacrifice, by visits at Newcastle and elsewhere, in actively performing. And if the Committee's exertions have been crowned with only moderate success, I venture, as a member of that Committee, to assert that the fault has not been theirs, but is to be found in a want of that financial support which is essential to their extended action, and which, indeed, unless quickly yielded, must cause a cessation of their labours. While even millions of money have been thrown away in useless contests, much less than a single thousand is all that has been placed at the disposal of the Committee on Labour and Capital to aid it in its exertions for preventing all contests whatever.

In conclusion, let us hope that a practical people, like the English, will not allow matters of such momentous importance to drift about as chance may direct; but that either by the organisation which this Association has brought into action, or by some other, they will make a vigorous effort to weed out error and implant truth; so that gradually, yet surely, for waste and comparative poverty, may be substituted thrift and increased wealth; and for discord, harmony.

Landlords and Labourers. *By* Sir BALDWYN LEIGHTON, Bart.

MUCH has been written and said on the condition of the unskilled agricultural labourer, his wants and his vacancies, his prospects and his drawbacks. His position has been represented on the one hand as hopeless and helpless, on the other hand it has been practically shown that his lot is in many respects more eligible than that of the town workman. Meanwhile though governments with expensive commissions, and individuals with knowledge more or less imperfect, seem to have exhausted the subject, the condition of the rural labourer, especially in parts of the south and west of England, is yet an unsolved problem.

Since in these set of questions we are nothing unless practical, it should be stated that the suggestions here put forward are founded on

what has been practically done by individual and especially landlord influence in a certain agricultural district where wages are not high, and where Pauperism, and its natural concomitants of misery, improvidence, and degradation, were once rampant. Moreover since, under institutions and customs generally similar, we have now two totally different states of things existing (as in Northumberland and Devonshire), it would appear a practical undertaking to endeavour to raise up the standard of the worst by the standard of the better.

Some fundamental facts must not be lost sight of in the consideration of such a subject, because they will be found, after all that can be said and done, to have an influence for good and evil respectively. Such are, for instance, Race, Soil, and the presence of mines and manufactures.

First, as to Race or natural constitution of people which, after the lapse of centuries, can still be distinctly perceived in different counties, and that without any very great ethnological acumen. There is the Saxon, or Anglo-Saxon of the south, and the Anglo-Celt of the west; there is the Danish nationality of the northern counties, and the Gaelic Celt of the Highlands and of Ireland, differing again distinctly from one another. And this distinction, which may be traced in habits, in religion, and even in conversation, has a bearing no doubt upon condition; the Welsh waggoner will sometimes stop to argue about religion, and the Yorkshire ploughboy turn to a discussion of horseflesh; the Irish cottier will be garrulous about his potatoes and his family, while the plodding Anglo-Saxon of the south will be eloquent about want of work and wages, and the union workhouse. It is with this Anglo-Saxon of the south that we are now chiefly concerned; and on this point one rather bold observation has been made, which a practical diagnosis of the country seems partly to bear out; namely, that the line of the Trent nearly divides the prosperous from the ill-conditioned *qua* agricultural labourers, who being, as it were, at the base of the social polity, are most liable to the effects of what may be called natural causes.

Then as to soil, it will be found that where the soil is rich, the farms large, and the farmers men of capital, the position of the agricultural labourer will be better on the whole than where with small farms and struggling tenants, as in the south-west of England, the labourer is only employed for a few months in the year, and cast adrift to his own resources or the cold comfort of the Poor Law in winter. It is affirmed that in many parts of Hampshire, Berkshire, and Devonshire, agricultural labourers who for eight months in the year have steadily worked for the surrounding farmers, are during many weeks or even months inmates of the workhouse; or in what will be found an almost equally degraded condition, regular recipients of out-door relief every winter. This is supplementation of wages with a vengeance; this is a state of things that cannot but call for the most profound sympathy, and if it were not for practical demonstration of its unnecessity, for the most profound despair. Then as to the accidental presence of mines and manufactures in a county

or district, it will generally be found that by supplying work, and so absorbing almost on the spot the surplus labour, and in a lesser degree by raising the wages and the value of agricultural produce thereby in the neighbourhood, the condition of the labourer is improved. The presence of mines and manufactures in the north may be contrasted with their general absence in the south.

But in addition to these more fundamental and less alterable causes, there are local and incidental reasons which perhaps in an equal or even greater degree affect the condition of the agricultural labourer; and seeing that there is no insuperable difficulty to their correction in any and every district in England, it is to them that more especial attention should be directed—they are chiefly these: A badly-administered Poor Law, aggravated by that pest of the poor man's home, a superfluity of beer-shops; a want of intelligent and improving landlords, and an absence of all means of investment for the labourers' savings.

The question of a better administration of the Poor Law, which, in some districts, seems to cause the very evils of improvidence and dependence it should seek to cure, would take too long adequately to go into here, more especially as some of the incidents of the southern counties of England seem almost beyond the power of Poor Law to deal with. It would seem as if labour were in excess, and that migration is the only cure. If the farmers habitually turn off their men in the winter, and there is no work for them, although during the summer months they are required, it may be that migration must naturally correct the overplus, and machinery supply its place. This would have two effects, which the farmers, landlords, and others, should well consider. First, wages would rise, which would possibly be no loss to any one, as it has been often shown that the lowest paid labour is not always the cheapest; but secondly, the best men would be the first to migrate. This would soon be felt as a serious and palpable loss in a district, as has practically been found in more than one previously overstocked neighbourhood. But as to the administration of the Poor Law, it may be mentioned that in the district in a west midland county, the practical treatment of which forms the basis of these suggestions, pauperism once extensive, amounting to 6 or 7 per cent., is now, by a judicious administration, reduced to the lowest in England, namely, ½ per cent., while some neighbouring unions, under similar conditions, are hardly reduced at all from their normal level under the old Poor Law of 6 per cent. The chief features of this administration have been great individual supervision, a strict system of out-door relief, considerable regard to sanitary conditions, and generally an attempt to encourage provident habits, and to correct the communistic feeling of the old Poor Law by thrift. As regards the demoralizing influence of the beer-shop, legislation will no doubt shortly give to the magistrates, or some local authority, larger powers than the emasculated measure of 1869. One mode of legislation, not yet much considered, would be to raise the rating qualifications, which would at a stroke do away with many

of the lower class of beer-shops. But in towns, in neighbourhoods where the beer-shops and public-houses amount to about one for every twenty or thirty grown-up males—not a very unusual proportion—it is evident that either the beer-shop keepers or some of the twenty or thirty men must, financially or morally, be ruined; and every inducement, legitimate or other, will be brought into play to prevent the financial ruin of the beer-shop, especially when temptation is so easy, and resistance so hard. This beer-shop and licensing difficulty is the natural result of the Beer Act, an instance of legislation by theory: what was then called free-trade in beer has turned out to be free-trade in vice, and vice, too, now with a vested interest acquired by law. But when actually under the guise of thrift and providence, that is, for the monthly or weekly meetings of a benefit club, labouring men assemble at the beer-shops, the landlord of which is the manager of the society, it is difficult for the most providently disposed to resist the insidious snare; and seeing that the friendly society, properly constituted, may ultimately be shown to be one chief correction and cure for the low condition of the labourer, you hereby have demoralization and improvidence introduced under the very guise of thrift—the fountain poisoned at its spring. The beer-shop and the benefit society, their antithesis and their confusion, are subjects for the legislator, as difficult as they are important.

But in the face of these adverse causes, fundamental and incidental, let us see what individualism, *qua* landlords, can do notwithstanding. Much every way, by residence, by intelligent sympathy, and practical knowledge:—Thus (1.) Cottages and gardens; (2.) Land; (3.) Work; and substitute clubs for beer-shops, economic outlay for charitable doles, and thrift and self-respect for improvidence and dependence. It will not cost much in money, but it will require time and some personal sympathy and supervision. None other can do what a landlord can, neither clergyman nor constable, schoolmaster nor Government; and it is gradually being discovered that among some debased town populations, the relation of landlord and tenant (not by cash-nexus but by sympathy and kindly interest) is the greatest leverage and renovation for some of the poorer classes.

(1.) Cottages and gardens. It will at once be urged that cottages don't pay—nor do they merely as buildings, but what if a large garden be added of half an acre with fruit trees, which may be worth 3*l.* or 4*l.* beside the dwelling? If a new cottage can be built for about 100*l.*, and with using materials on an estate (such as timber and stone) a two bedroom cottage can generally be built for about that sum, with a garden of half an acre, it might fairly be let for 5*l.* or even 6*l.*; deduct from 6*l.*, 15*s.* per annum for the value of the land, and 5*s.* per annum for the value of fruit trees planted, and you have a return of 5*l.* per annum for the outlay of 100*l.*, or 5 per cent. Where two or three cottages are built together, they might be put up for less, or one extra bedroom thrown in for the same sum. If half the garden be planted with thirty or forty fruit trees (apples or damsons) it will

almost pay the rent of the whole. Good fruit trees, after a few years, may be worth from 2*s.* to 3*s.* per annum. The labour to be expended on the garden obtained, as it will be at odd hours snatched, perhaps, from the public-house, need not be reckoned in this calculation.

In the case of an old cottage the return would not be so clear, since the rent of the cottage, as it stands, must be deducted; but in these cases it will generally be found that the cottage has been run up by some former tenant, and even here by the addition of a garden or allotment, a return of 3 per cent. might be obtained on a new cottage. The money can be advanced by some of the land improvement companies at about 6 per cent. repayable in twenty-five years; and though a landlord might not be able suddenly to rebuild a number of cottages out of income, he will not find the interest on the money in excess of the return of rent so heavy as to debar him from gradually improving all on his estate; and against this is to be placed the elevation of the labourer, and the economic necessity of their being housed for the cultivation of the land. There is involved here, however, a slightly complicated economic question. The landlord of farms is obliged necessarily to provide cottages for the labourers on the farm as much as buildings for the farmer. They must then be looked on practically as part of the landlord's outlay on the farm. When let, as they generally are, at non-remunerative prices, they are actually let in supplementation or part payment of wages; but in such an arrangement an injustice is done to the other owners of cottages, and yet more to the tenants in the neighbourhood, namely, those built independently of any farm ownership. This ought not, strictly speaking, to be; a cottage should be made to pay a fair rent, and the mode in which the difficulty is here sought to be solved is, by the garden or allotment system, which is easier to the large landlord than to the smaller cottage speculator.

(2.) Land.—A great deal that is fallacious and absurd has been written chiefly by theorists and closet agriculturists, about peasant proprietorships, and "la petite culture;" for any one with practical knowledge of the subject is aware that the cottier or petty farmer endeavouring to live on his small place of ten or twenty acres is too often a warning and example to all who would set at defiance the practical facts of rural economy. It is a deplorable sight to witness a hard-working, industrious labourer, who has saved a little money, endeavour thus to carry on a life of struggle and rags, by depending entirely on the resources of la petite culture; but under all this fallacy is a germ of truth, thus applicable: If a landlord will allot to a few of his cottages at first (or later to as many as half or more) a few acres of grass land, say from three to five, enough to keep a cow or two, *making always a previous condition that the cottager shall have saved a few pounds*, he will find that the incitement to obtain these small privileges will act most beneficially as an inducement to saving money upon the whole population. He will find, if careful in the

selection of his tenants, that no greater natural means of raising the agricultural labourer is to be found than the granting of these small plots of land. It is at once an investment and a source of income to the cottager, and that at no very great outlay by the landlord; but these two conditions must be always peremptorily observed. First, the cottager must have previously saved by his own exertions a few pounds, say 10*l.* or 20*l.*, else ruin and failure will ensue through the accidental loss of a cow, and the absence of previously formed habits of thrift. Secondly, the land must be let to agricultural day labourers, not to petty farmers who design to live or rather starve on the place; the profits are then made by the wife without interfering with the weekly wages of the labourer. As much as 10*l.* yearly net profit may be made in this way from the possession of one cow, and it is impossible to reckon the amount of self-respect and self-reliance thereby superinduced.

(3.) Work.—Without going as far as Hampshire or Berkshire or Devonshire, there are few agricultural districts where work is not slack in winter as compared with the summer. Some day machinery may come to compensate the vacuum; but meanwhile there is a very simple way in which landlords may, on the strictest economic principles, do much to afford relief. There is hardly a parish or an estate in England where draining, road-making, and other permanent improvements are not, more or less, urgently required, and it is in winter that such works may be best undertaken. If landlords would take the trouble, either by borrowing money or more cheaply out of income, to push forward such works in their several neighbourhoods, very timely relief might be afforded in those cases where labourers are employed only during the summer months, and heartlessly thrown on the rates in the winter. If it would be an argument or inducement in the case, it might be known that the amount of money spent in rates could be saved to the ratepayers, but that is a narrow view of the whole question, that ought to be beneath the consideration of men in the position of English landlords.

The great secret of raising the poor is somehow to teach them self-reliance and thrift. If, by reducing the temptation to the beer-shop, encouraging sound friendly societies, and making opportunities for investment of savings as a landlord can, the lesson and example of thrift is taught, and a premium put on providence; and at the same time, by a strictly-administered Poor Law a discount and a penalty set on improvidence, the agricultural labourer, and equally the town poor, will be taught, as it were contagiously, habits of self-reliance and self-respect. We must give men some outlook and hope, some means of investment and natural savings bank if we would wean them from the beer-shop, and make them independent of the fatal communism of the Poor Law. On the estate in question no cottager is taken till he can produce evidence of money saved, if it be only a few shillings, as a test of providence; and if he then continues to save money, he has the knowledge and inducement that he will be eligible for a cottage with land on the first vacancy. In addition to

this there is a clothing club established, and in sickness or sudden distress such assistance as medicines or strengthening food, or clothing are given, but only to the members of the club, thus instituing another and more inclusive provident test.

The systematic application of these principles, namely, inculcating and promoting providence and self-reliance among the poor, has been found during forty years' experience to be attended with the very best results in the district in question. Those who too ignorantly assert that there is no prospect for the agricultural labourer but the workhouse, might be surprised to find in this district labourers at 11*s.* per week in the possession of 50*l.* or 100*l.* in the savings bank. It is hardly necessary to say that such families are quite beyond the reach of pauperism, indeed a pauper is unknown on the estate. Nor is there any prudential check such as is insisted on by Mr. Stuart Mill, nor yet any natural check to longevity—rather the contrary; the death-rate being less than 14 per 1000; large families and old age are the rule not the exception, and the one supports the other.

By sympathy and supervision, not by direct gifts, a beneficial relation has been promoted between rich and poor not uncommon to many country districts, but rarer in towns—and pauperism has been virtually exterminated. There are no demoralizing charities and few beer-shops—five beer-shops on the estate having been converted into cottages. Little or no money is ever given, but considerable sums have been spent in building cottages, and in draining and other improvements; and some such work is continually going on in the neighbourhood during the winter.

Under different conditions, in some respects under greater difficulties, these same principles may be, *because have been*, applied to town populations; and the work carried out so successfully by Miss Octavia Hill in the relation of a landlord in the worst and poorest districts of Marylebone, where whole courts and alleys have been converted from squalid misery into decent comfortable houses, and the money invested has returned a steady interest of 5 per cent. besides a large surplus for repairs and improvements—shows what results are attainable if the intelligence and active sympathy of Individualism be brought to bear upon this otherwise complicated problem.

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*On the Law of Weights and Measures in its Relation to the Introduction of the Metric System.** *By* Professor Leone Levi, F.S.A., F.S.S.

SINCE a large portion of the ordinary transactions of life can only be expressed in terms of weights, measures, and coins, and these form a language whereby we think upon and realise to ourselves the simplest as well as the most abstruse subject, it necessarily follows that we are all deeply interested in the character and order of such instruments, and that whatever complexity and confusion are

* See *Transactions*, 1870, p. 541.

connected with them, must find their reflex in the retard of the progress of knowledge, the waste of time, and the complication of all mental operations. The English law has long recognized the necessity of one uniform system of weights and measures, and from the time of Magna Charta downward it has sought to enforce it by penalties. But alas! partly from unsuitableness and imperfections of the system originally adopted, and partly from the force of habit and prejudice, which constantly defeat the best measures, such uniformity has never yet been attained, and while the law imposes one common system of weights and measures, practice recognizes ten or a hundred.

But this is an evil producing great inconvenience which we should strive to remedy, and the question has more than once engaged the earnest attention of the Legislature. As late as 1862, the whole question was gone into by Mr. Ewart's Committee. Since then, the Standard Commissioners have made it the subject of five heavy reports, and now a Bill has been prepared by the Government, to be introduced next Session, intending to deal with the whole question. The moment, therefore, is most propitious for a deliberate discussion of the subject, and I doubt not the views of the Association may exercise considerable influence both on the Legislature and on the Board of Trade.

The first and most important point for consideration is the system itself. Are we satisfied with the present tables of weights and measures, with their units and their subdivisions? Is there such a concurrence in the use of such, that we should not trouble ourselves with any other? If so, the whole question resolves itself into the best means of enforcing the use of the same. If, however, the nation has given undoubted expression of dissatisfaction with the present system; if the same has been absolutely condemned, if the Committee of the House of Commons has unanimously reported against it; if, in short, a better system is needed and must sooner or later be introduced; the most pressing question is what shall that other system be, and in what manner can it best be introduced?

Fortunately the whole question as to the choice of the new system has been set at rest by Mr. Ewart's committee, which recommended the adoption of the Metric without any hesitation whatever. What the metric system is the members of this Association will know. It is founded upon a natural unit—on the dimensions of the earth; it is one homogeneous system, the measure of length, of area, of capacity, of weight, being developed from one and the same principle; it has a decimal division throughout, and it is a universal system in actual use by at least a third of the human family. It is a system, moreover, easy to teach, easy to learn, and most easy to remember. It is indeed the most convenient as well as the most scientific system ever invented and known, and one which commends itself to the acceptance of every intelligent man. The use of the system has already been made

permissive by the Act of 1864, but by a measure so defective and imperfect, that while it became legal to contract in the terms of metric weights and measures, it remained illegal to have material representations of the same in the shops and warehouses.

Now, however, that the whole law is to be reconsidered, it is all important to decide whether the time has not arrived for pronouncing decisively on the substitution of such metric weight and measures for the existing one. The Royal Commissioners in their last report recommended that the metric system be rendered absolutely legal in this country, and be placed in every respect upon an equality with the imperial. But is such a method likely ever to conduce to uniformity? Are the people to be encouraged to use whatever system they please? Is it not incumbent upon the Legislature, and would it not be better were it carefully to select the best system, and endeavour to enforce the use of the same by every means in its power? The legalization of the two systems must either prove most inconvenient, or remain utterly nugatory. If the metric system is ever to become general in this country, considerable preparations must be made for it. It must be taught in the schools; we must generalize the standards; metric weights and measures must be provided.

But how can these steps be taken so long as the existing weights and measures are the only ones recognized by law? A period of grace must necessarily be accorded before the change shall become imperative—but a time must be fixed when that grace shall end in order to compel the adoption of active measures for such a change. What has been the experience of other States in the introduction of the metric system? For forty and more years the metric system was permissive in France, but it was only when Louis Philippe fixed a time for its absolute introduction, that the use of the same became general. And every other country has pursued the same plan. Three or four years have been allowed for preparation, but care was taken to indicate at what time permission should end and compulsion begin.

And such course must be adopted, if we intend *bonâ fide* to introduce the metric system into the United Kingdom. The Bill introduced by Mr. J. O. Smith last Session was intended to carry out such a course, and in that sense it put the question before the House of Commons on the proper issue. Late in the Session when the discussion came on, and many friends of the metric system being already gone out of town, the second reading of the Bill was lost by a very small majority of five, but that did not indicate the sense o the House, which had repeatedly pronounced itself in favour of th early introduction of the change.

It remains now for Her Majesty's Government to consider whethe in the face of such repeated divisions they will continue to mak useless efforts for the perpetuation of the present uncouth practice—for system it cannot be called—or whether they will not at onc liberally accept and adopt the new system, and provide for its early

introduction. If the change is inevitable, then the sooner it is effected the better. The adoption of the metric system will save a third of the time now spent in the teaching of arithmetic,* will greatly aid the diffusion of intelligence throughout the country, will introduce more precision in mechanics, and will become a new labour-saving machine in all the operations of commerce. No one ignores or denies the difficulty of introducing a new system of weights and measures, but other countries more popular than the United Kingdom have mastered it, and if they have succeeded in overcoming it, surely we need not be afraid of being able to do likewise.

Co-operation, its Progress, and Present Position.† *By* JOHN HOLMES.

IN 1857, I had the honour of introducing the subject of Co-operation before this Association at its first meeting at Birmingham. At that time the subject was little known to the public, yet the subject attracted considerable attention, and at almost every meeting since, the question of co-operation has been brought before the Association with more than average approbation: this Association has thus become a centre of co-operative information; and has been the useful means of spreading a knowledge of both its principles and practice at home and abroad.

In 1857, I had but a knowledge of the working of two co-operative societies: the one at Leeds, with which I was identified, and the other at Rochdale—and although others were in existence, there was then no means of spreading to the public information as to their origin, object, or working. Since that time this society's *Transactions*, a little periodical called the "Co-operator," and more especially a public return of all registered societies, commenced by John Tidd Pratt, Esq., the Registrar of the Friendly Societies, have furnished information as to their growth, and progress—and to the last return issued on the motion of Walter Morrison, Esq., M.P., we are indebted for the facts of their present advanced and hopeful position.

As an instance of the difference betwixt co-operation, as found betwixt 1856—the date my returns were quoted from, and 1870, date of the last returns we have before us; I will give the figures of the two societies of Leeds and Rochdale as they stood then, and as they stand now. In 1856 Leeds had—members, 2000; capital, 7842*l.*; business, 60,875*l.*; profit, 1800*l.*; average over five years.

1856, Rochdale had—members, 1600; capital, 12,920*l.*; business, 63,197*l.*; profits, 3921*l.*

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* For a complete survey of the advantage of the metric system to education, science, commerce, agriculture, mechanics and contractors, chemistry and pharmacy, and the postal service, see the "Theory and Practice of the Metric System of Weights," by the Author. Griffith & Farran, St. Paul's Churchyard.

† See also *Sessional Proceedings*, 1871-2, p. 1.

In 1870, Leeds returned—members, 3969; capital, 20,599*l.*; business, 93,666*l.*; profits, 4545*l.*

In 1870, Rochdale returns—members, 5562; capital, 81,231*l.*; business, 222,138*l.*; profits, 20,224*l.*

The report of the Leeds Society, ending June, 1871, shows—members, 4200; capital, 25,823*l.*; business, 115,913*l.*; and profits, 6502*l.* And this advance, however remarkable, may be accepted as an index of the general advance of co-operation throughout England, Scotland, and Wales. In 1857, there were not fifty societies in existence, and in 1871, there are 969 registered as in active operation.

From the Parliamentary return previously quoted, we learn that the oldest society now in existence is the "Hull Anti-Mill Flour Society," founded in 1795; and which still flourishes in the "Land of Green Ginger." In 1801 a flour mill was commenced at Whitby. A co-operative grocery store was founded in 1816 at Sheerness, in Kent,* and in 1829 a similar one at Huddersfield. In 1844, Rochdale began its now world-wide celebrated provision stores; and Leeds began the People's Mill in 1847. There were but six co-operative societies in Lancashire, and but seventeen in Yorkshire, up to 1848; so that it would appear, that co-operation advanced very slowly, and then all at once developed into activity and success.

We are however aware that from 1820 to 1840 many societies sprang up—continued for a time, and then broke down suddenly, or lingered out in slow decay. Nor is this to be wondered at, because the law, up to 1852, restricted the dealings of all co-operative associations to the members, only. This was a condition imposed on registry, and without being registered they had no status in law, and could neither sue nor be sued. It thus followed—if they kept the law, that they could not work, or profit by the ordinary transactions of trade; and so they lingered, lost, and went down. And if they broke the law; they were liable to be, and often were, plundered with impunity; and cheated, without means of redress. In the working of flour mills, several of which were in operation, the restriction of the law was all but fatal to their working. Thus at Leeds, where the members co-operate together to provide themselves with a good and pure article of flour, which they wanted, more bran was produced than the members required for their own use. And this bran which the public wanted and would gladly have purchased, the law prohibited the sale of, except to members. And the result was an accumulation of over 600 bags of bran, bending down the floor of the warehouse, and heating, to the danger of combustion; useless to them, and a loss, directly negativing the advantages of their other-

* Since writing the above we find that a co-operative society, not yet registered, was commenced at Maltham Mills, near Huddersfield, in 1827; and which has divided profits to consumers from that time. Its last balance shows—members, 99; capital, 854*l.*; sales, 5,088*l.*; and net profits, 670*l.* See *Co-operative News*, November 5 and October 6, 1871.

wise economic working. Early in 1852, I had the duty of representing this in a deputation to the Hon. Mr. Labouchere, President of the Board of Trade, introduced to him by the then less-known hearty good friend to co-operation, Thomas Hughes, Esq. Mr. Labouchere inquired closely into the Leeds' case, and saw clearly how the law placed a bar in the way of successful co-operative trading. He further admitted the anomaly of having recently passed a law for free trade in corn, and yet retaining a restriction to the free sale of flour; the form in which alone the people could use it. And upon that case alone, while many others were shown, he declared he would use his influence to remove all legal restrictions, to either co-operative or other associations, so that free trade might become a great fact in practice, as well as theory. The law was thus (and an able article in the *Edinburgh Review* affirmed was therefore) altered, by removing restriction to public trading, in 1852. The result in general may be judged of, by the effect it had upon the people's flour mill at Leeds—where the business rose from 26,789*l.* in 1851, to 58,382*l.* in 1853. And whereas they could not make a profit out of themselves before,—with the addition of one-third purchased by the public, they have made a profit of 4387*l.*—more than all the capital of the society in 1853.

From 1852 we may therefore date the rise and progress of the modern and present form of co-operative associations. Their origin in all early instances began in the necessity of combination to protect the public from the frauds or extortion of the private dealers, to which latterly was added the desire of sharing in profits, and of profitably employing the frugal savings of the members generally. Now in all these particulars co-operation has proved to be remarkably successful. By co-operation flour has been made absolutely pure and wholesome. Other articles of food have been provided, relatively pure, and greatly improved. Profits have been made to members, and these have again been well invested as the savings of economy, prudence, and forethought in their own tradings. To show this adequately would require volumes and as we have but the limit of a short paper, we will place before the Association a table of statistics prepared by Mr. William Nuttall, the able accountant of the Manchester Wholesale Co-operative Society, for the recently established *Co-operative News*; * which will show, condensed from both parliamentary and society returns, the numbers of societies, and order of progress, and decline, the number of members in counties, over certain years; the growth of capital, and application, the amount of transactions, the costs of business, the net profits, and the amounts actually divided. Many other specialities are given, worthy of all attention, invaluable to the student of co-operation, and essential to the philosopher who would understand the characteristics of this most hopeful of modern economic associations. From this it will be seen that of the 969 societies registered,

* See *Co-operative News*, of Sept. 9th, 1871.

153 have neglected to make returns, and 67 are under the year of returning; 406 are returned as dissolved. Of the 749 societies which have complied with returns prepared by Mr. Tidd Pratt (after considerable consultation with leading co-operators)—721 are in England, and 28 in Wales. Of these, 676 show a profit, and 73 make no returns of profit; hence it is probable that they have suffered loss, the facts of which are also desirable to be known. Scotland and Ireland are not included in the Parliamentary Report, but we know that Scotland has a slow but healthy growth of co-operation, and Ireland, alas! shows but little evidence of self-help in this direction.

Six northern counties show 448, out of the 721 English societies, as follows:—Yorkshire 158, Lancashire 156, Durham 42, Northamptonshire 37, Derbyshire 28, and Northumberland 27. Of the whole societies, 117 return a profit of 1000*l.* and upwards, of which 53 are in Lancashire, 21 in Yorkshire, and 15 in Durham, leaving but 28 of all else put together. It will be thus seen that the three counties of Lancashire, Yorkshire, and Durham stand at the head of all profitable co-operative operations. This doubtless indicates the special influences which congregate numbers of people in close communion, and which affect them for evil, and improvement in their associations, and it is not out of place to suggest some special fitness in the northern mind, giving inclinations and power to adapt themselves to business and its conditions. The total number of members returned by the 749 reporting societies are, 249,113 members, who own a share capital of 2,034,261*l.*, (9*l.* 7*s.* 10*d.* per member,) and a loan capital of 197,128*l.* (or 10*s.* 3*d.* per member.) Business done amounts to 8,202,466*l.*, and costs of business 335,327*l.* The nett profits are 535,435*l.*, and the dividends declared 467,164*l.* Nett profits upon returns are about 6¾ per cent., and upon capital 24¾. The liabilities are set down at 2,403,902*l.*, and the assets at 2,649,426*l.* And as these returns may be accepted as thoroughly honest, they show a most wholesome and promising condition of working as a whole. In comparing either districts or societies with each other we should know the peculiarities. Thus, the Lancashire returns are considerably increased over Yorkshire by the circumstance of the North of England wholesale operations being centered in Manchester, and which returns 677,736*l.*, with a profit of 7628*l.* divided among 209 societies who trade with them. The returns of Sowerby Bridge is also special, namely, 229,880*l.* It is a flour manufacturing society, and doing business extensively with surrounding stores of the whole district. Middlesex exhibits especial features, conditional upon some of the incidents before named. Thus of only the twenty-six societies, six return no profit and eleven make no dividends the profits being too small. Rochdale shows co-operation to be successful, yet it also shows two societies, having both large capitals and returns, making no profits at all. And while London shows the difficulty of working that form of co-operation so successful in the north, it gains in the Civil Service arrangement, a

mode of action apparently fitted more to its requirements, and hence its success. In this form of co-operation, members are recognized by a very small subscription. Articles are retailed at near prime cost. Business is conducted cheaply, and hence the lower prices for good articles are the inducement for even the aristocracy to join them and trade for ready money, instead of paying the higher prices necessary to the ordinary and more costly London retailing. Upon their returns and economic working, even at the smallest margin of profit to cover costs, they have accumulated a capital of some 35,000*l.* and which being by rule not divisible creates a difficulty likely to become serious, if not fatal. Many prejudices, ignorances, and habits we have to overcome and change before we can get individuals to work together for their own economic benefit. Mr. Gladstone, on a visit to Rochdale and other co-operative centres in Lancashire, said "that much of the success and benefits of these societies depended upon the condition of the people themselves." Of this there can be no doubt, while it will be clear also that knowledge and habits of business are the chief conditions of success.

A large proportion of all co-operative societies are dealers in food, provisions, and articles of clothing, consumed chiefly by themselves and families. Others, but in a small ratio, are manufacturers of flax, spinners of cotton, or wool, and manufacturers of shoes, &c. But very few of these succeed, and the failures are to be found chiefly in these attempts at production. It requires a different and higher range of knowledge and discipline to produce in the open market, where the markets have to be found, and where they are affected by change of demand, price, season, and fashion. In this range co-operators, as a class, have had too little cultivation and experience to succeed. Capital, judgment, and discipline have been lacking, and hence there have been many failures. But as private enterprise has had to pass through failure to success, so some of the Lancashire manufacturing and spinning mills are beginning to show efficiency, and to yield good profits to co-operators. As experience teaches, and as a good general education extends, the operative classes are likely to rise rapidly towards that position now reached by their more experienced and cultivated employers and capitalists. And thus, with advancing powers and abilities, we may expect to see changes of trade, manufacture, and association, equal to, and commensurate with, the advances of art and science. And as the pedlar and the pack-horse gave way to the stage waggon and the shop, these will have to give way to the locomotive and the co-operative-store systems. Already there are signs that private enterprise and free competition betwixt labour and capital is becoming too costly, and too critical in their contentions, to work economically or satisfactorily on either side. The present system, or rather chance working of competition, has, it is generally admitted, not equally or adequately spread to society the benefit and blessings of our growing wealth and means of production. As a result, we have wealth increasing much faster than population. Of this increase three-

fourths of the workers have neither use nor benefit, while in all large centres of production, their mortality is steadily increasing. The Registrar-General's return gives the average lives of the working classes at twenty-two, and that of the wealthy at forty-four. And it was against the system, and the modes of action producing these results, that the present form of co-operation was instituted. The idea was strongly fixed, and though but rudely and crudely worked out, it has proved successful in a degree, marvellous in both its economic and moral results. The wealth thus developed and fairly divided* by good habits and wholesome trading through co-operation, has advanced the physical, and elevated the sound condition of all co-operative districts in a way at once marked and cheering. Better food, clothing, houses, and furniture, have been followed by better manners and morals, and a higher practical experience in the business of life is laying the foundation for a higher culture for the men of the future. In all ways (even in failure) the working of co-operation has proved beneficial for it has extended the knowledge of both the wrong and the right way of action. Its present position is that of slow, sound, and hopeful success. Its future prospects are satisfactory to the economist, who perceives security in the extending interests involved, and glorious to the lover of humanity because he sees by co-operation that wealth will become the creature and benefactor of man, instead of being as now, too often the tyrant, destroyer, and the curse. Abroad governments oppose, and until recently our laws crippled, co-operative working. There cannot possibly be a more fatal impolicy than in preventing the workers from acquiring wealth by combined operations. In strict justice, governments ought not to favour any class or mode of economic working; but neither should they place any bar in the way of honest, legitimate and public trading. But what I submit governments should do, because they only can do it, is, to enforce and publish a well-arranged annual return of all registered companies, calculated to show their operations, capital, business, expenses, profits and loss; this, honestly done, would furnish security both to the members and the public; and if dishonestly, or improperly done, should be made subject to punishment, at once deserved and adequate to deter. With the common facility for wholesome action of trade and commerce; and with this protection from falsehood and fraud, I can confidently predict a glorious future to co-operation, and a most hopeful means of securing national progress, wealth, health, and endurance.

* What may be called the peculiar distinction of co-operation in the division of product, from private enterprise, or that of companies is, that a fixed interest is divided upon members' capital—say 5 per cent. upon the shares each hold—and then, that all nett profits are divided to the traders upon the business each member has done. And as it is the trade which makes profit, so each gets exactly what each has made. Nothing can be more just, and both principle and mode of working out have, as a rule, proved eminently satisfactory.

MISCELLANEOUS.

Senor Don ARTURO DE MARCOARTU (Deputy to the Cortes), read a paper on "The British Isles and Spain." He said that few countries united in themselves such favourable national conditions as Spain for the production of wealth, while few others, holding a lower position in civilized Europe, had found themselves more obstructed in later times by the colonial rule, by the protectionist system, and by the intolerant policy of the Spanish Governments. In spite of such economic obstacles as the export trade of Spain had to contend against, it was an undeniable fact that it was acquiring a notable development. In the space of fifteen years it had increased more than 200 per cent. In these later times, notwithstanding the warfare which the fallen dynasty waged against the spirit of philosophy, and against all manifestations of liberty, both political, religious, and commercial, Spain had been strenuously working towards regaining, in peaceful civilization, a position worthy of that which she held in the civilization of warfare. The degree, in quantity and in quality, in which it is feasible to furnish her wheat, her wines, her oil, and her fruit, bids fair to make her the grand centre of production of these articles for the United Kingdom. Spain was one of the European nations whose wealth in sheep was the most considerable; its wool markets were well-known in England, and were capable of much enlargement and improvement. The respective situations of England and Spain, and the diversity of the products especially, in each of these countries, ought to place their international commerce amongst the most important of the globe, taking into consideration the amount of population, whereas, on the contrary, it was one of the most subordinate; and it was a remarkable fact that, notwithstanding the difference of climate and soil, and in spite of the contrast presented as regards aptitude for labour in the two countries, and consequently the differential power of productions as between England and Spain, there should be over a population of forty-seven millions so scanty an interchange of commercial relations. Nor could this alienation of the two countries be explained away by the dissimilarity of the language, inasmuch as a similar cause of divergence exists between the English and the Portuguese, whose international traffic, reckoned by the number of the population, is much greater than that between England and the Spanish territory in Europe. He contended that the present existing causes of the commercial stagnation of the English and Spanish trade was rather artificial than natural, and said that when they came to consider, as regards mutual relations, the political, economic, and commercial interests of England and of Spain, the conclusion was arrived at that great advantages would be derived from drawing together the two peoples as nations, and as producers of industry. If governments and if industrial incapacity did not do violence to the natural laws of exchange, Spain could furnish wheat, wool,

meat, textile fabrics, oil, wine, fruit, lead, silver, and quicksilver, to the English, receiving from the latter in return coal, manufactured metals, chemical products, and texile fabrics. At the present time, when both in England and in Spain liberty had become the prevailing thought of government, it would become more easy to bind closer the friendship between the two nations than it was some years back. Toward the end that a more intimate understanding should characterise the national intercourse between the two States, he submitted to the meeting the following conclusions:—(1.) In order to point out more clearly the harmony which for some time past existed between England and Spain, and gave evidence as well of the love of peace mutually, inasmuch as England and Spain have accepted the theory and adopted the practice of international arbitration in regard to differences arising with other States, they ought to arrange for a treaty of permanent peace and of concord, binding themselves to submit to a council of arbitration the differences which might arise between the two States. (2.) In order to draw closer together the social relations between the two peoples, the postage tariffs between England and Spain being heavier than those charged for greater distances, such as to and from Germany, the United States, and other countries, it is advisable that the Postal Treaty of 1858 should be reformed. (3.) In order to augment the commerce between England and Spain, and inasmuch as the councils of justice and the international trades are clearly in its favour, the British Government ought, in accordance with the reiterated wishes of the Chambers of Commerce of the United Kingdom, to suppress those special duties which now bear so heavily upon the importations of Spanish and Portuguese wines; the Spanish Government, on the other hand, undertaking to introduce a greater liberality into the scale of her own customs tariff.

Colonel OLDFIELD read a paper on "Taxation, with reference to the National Debt." The national debt, he said, had been defined as a mortgage of the wealth and industry of a nation; but that was not his way of thinking. A man might mortgage his property, a nation might do the like; but neither could mortgage the labour of their children. The payment of the national debt, both principal and interest, ought in all fairness to be a charge upon the property and income of a nation. He added income to property because all income above that which could be raised by manual labour was obtained by the investment of capital in the most profitable manner in which it could be employed, *i.e.*, the education of the individual by his parents. Taxing the labourer was an economical as well as a moral error, for true economy would tax finished products and accumulated wealth rather than the raw material; and the mere labourer, borne down in the struggle for existence, instead of rising to be himself a capitalist, and taking his share in the national burden, had to be maintained by parish rates. Of all the forms which taxation of the labourer could take, that

which discouraged him from housing himself and his family by the best means was the most objectionable. It was either very hypocritical or very inconsistent to rail against the wretched way in which the poor were housed, and at the same time to acquiesce in their being burthened with heavy rates and taxes in direct proportion to the way in which they sought to improve their habitations. But the heaviest tax on the workers in our towns was ground-rent. The site of a town ought to be the common property of its citizens, and some feasible project for the commutation of ground rents in cities and boroughs was much needed.

Mr. THOMAS BRIGGS read a paper "On the Question of Free Trade in relation to Taxes." There were, he said, two fallacies in the proposal for international arbitration. First, it meant conquering violence by violence, in the event of a strong nation refusing to abide by the decision arrived at. Second, it meant settling disputes between nations, whereas there was a more excellent mode open, namely, that of preventing disputes arising between civilized nations. For the accomplishment of this desirable result he advocated the adoption of free trade in its entirety. Free trade, he said, was a question but little understood. He quoted from a speech delivered by General Schenck, of America, to the Liverpool merchants, in which that gentleman said the vocation of commerce was peculiarly one of peace, as peace threw open the channels of commerce and trade, while war closed them. So it was through peace that the best interests of nations could be maintained and restored. In the system of free trade, the paper observed, the taxes would be paid out of the direct profits and realised incomes on the per-centage plan; so as to make each man contribute in proportion to his income. How could we be said to be living in a free country, where a working man was compelled, through the taxes on tea and malt, to wash down his breakfast, his dinner, and his supper with compounds which were heavily taxed, and yet were no better than water? If the malt tax were abolished good beer could be sold at a half-penny a pint, and yet realise a profit of 100 per cent. Could they be surprised at the disaffection of Ireland, when they found her best industry destroyed by the malt tax? This question affected all classes. Free trade would benefit the rich, inasmuch as it would create a contented and fully employed population around them; it would benefit the middle class, or capitalists, inasmuch as it would open the floodgates of the whole world's commerce; it would benefit professional men, and the class living upon small fixed incomes, inasmuch as it would cheapen all the necessaries and comforts of life; and for the same reason it would benefit the working class; so that there would be no fear of wages deteriorating.

Mr. J. FIRTH BOTTOMLEY, Barister-at-Law, read a paper on "Universal Free Trade, an essential condition of Universal Peace."

This paper was the successful essay sent in for the prize offered by a member through the Social Science Association, in May last. The essayist starts with the proposition that as soon as there is a larger body of persons in any nation, whose natural interests are involved in the maintenance of peace (and who are conscious of the fact) than those who would profit by war, internecine quarrels would be likely to be seriously lessened. The writer proceeded to illustrate the action of Free Trade in bringing about such a result, and also showed the effect of protection in keeping nations asunder. The necessity of the fullest freedom of international intercourse to the development of the greatest productive power of each was strongly urged and illustrations were given of results of an opposite course of action.

A paper was read by Miss MARCH PHILLIPPS, on "Some of the Evils arising from the present Training and Social Position of Women, and their Remedies." The paper set forth that these evils are—(1.) That whilst half our women support themselves by their own exertions, no proper training of any kind is provided for them; (2.) That whilst children of twelve and upwards have to leave their parents' homes in great numbers to earn their bread, the laws refuse them, and the wide separations of caste prevent their having, any moral protection beyond their own discretion; (3.) That whilst marriage is held to be the only creditable destiny for women above the poorest class, the general opinion and custom of society prevent their receiving any such training, as might fit them to form and manage healthy, moral, and happy homes; and places before them instead a life of frivolity, vulgar display, and helplessness, as what they ought to aim at. The remedy must be to reform public opinion and social practice in these respects, and to create a truer civilization and a higher standard of social excellence, to promote the thorough training of women of all ranks in domestic and household skill; to supply skilled industrial training to those who may have to support themselves; and to provide such information and womanly protection for the young as may put them into a fair position of equality with their circumstances. But as only organized efforts can now affect the course of society, the remedies must be supplied by organization, *i.e.* by a league of which all the members should engage to resist the tyranny of fashion and false opinion, and to act uniformly on the principle that the more refined, higher placed, and better educated any one is, the greater is the disgrace of being helpless, useless, and inefficient. The younger members should strive to fit themselves by a real training for some skilled and useful employment, the elder members, above twenty-five, besides assisting each other in carrying on these, should be ready to protect, counsel, and befriend all motherless girls, or those working away from home. Each local branch of the league would recommend its associates to the like good offices of members in other districts, where these may go in search of employment. The central council would form the link of communication

between them, and would collect and distribute information as to the best practicable means of obtaining training, of carrying on charitable works, or finding skilled employment; every member being entitled to receive such information concerning her own work.

Mrs. Hind Smith read a paper on "British Workman Public-houses; or, Public-houses without the Drink." The writer described the mode in which these houses were conducted in Leeds, and the gratifying amount of success which had attended the efforts of their promoters, there being now many men of previous bad character who were living an honest, sober, and in many cases a Christian life. The resident managers were practical abstainers, and no intoxicating liquors were brought on the premises on any pretext whatever. All that they looked for in connection with the "British Workman" public-houses was, that they should compete succesfully with the public-house and beer-shop. If wealthy men would only assist the movement with greater liberality, then more could be done in the way of ornamenting these public-houses without the drink. Besides the fifteen houses already opened in Leeds there are now British Workman public-houses in the following places:—Three in Bradford, two in Hull, three in Birmingham, two in Huddersfield, and one at least in Wakefield, Selby, Morley, Woodlesford, Bentham, Otley, Scarboro', Saltburn, Barnardcastle, Chester-le-Street, Lancaster, Southport, St. Helens, Liverpool, Birkenhead, Rugeley, Cardiff, Bristol, Stroud, Reading, Croydon, and Hastings. From these places, as well as in Leeds, unanimous testimony was borne to the usefulness of these "public-houses without drink," or, as some of the frequenters persisted in styling them, these "come and wel-comes." Men unreached by other agencies were drawn by the free reception proffered and given; drinking habits were broken; desires for self-improvement were awakened; men who a short while since scarcely knew their letters, or how to hold a pen were now reading and writing; desolated homes were refurnished, and neglected families reclothed; Sabbaths were better spent; Sunday and day schools were replenished and places of worship better attended; masters were better worked for; public-houses (with the drink) were losing custom and shop-keepers were gaining it; the general character of the neighbourhood was improved; bad language was given up; domestic comfort was restored; and lives were reformed.

Miss A. B. Le Geyt read a paper on "Gin-palaces *v.* Coffee-houses." The writer called attention to the fact that the amount of liquor consumed in Great Britain is estimated at 90,000,000*l.*, or three pounds per head of the entire population, while the working classes are said to spend on drink not less than one-sixth of their entire earnings. The first practical step to be taken to benefit these classes is to reduce the temptations to drunkenness, and multiply *ad infinitum* those to sobriety. We must not condemn a system until it has had a fair trial, and few will affirm that the

coffee-houses have had a fair trial. They ought to compete with the gin-palaces in a blaze of light, warmth, and ornament, and as it is so difficult to enter into competition with gin-palaces, the coffee-houses ought to be made doubly, trebly as attractive. The writer protested against giving these houses all the same name. We might give them any sort of attractive sign. She was glad to find that smoking-rooms are provided for smokers, and protested against depriving the working man of his pipe. He can have coffee, the best of all beverages for the purpose if he wants to drink with his smoking. The writer then proceeded to point out that much might be done to enable coffee-houses to offer attractions of such a character to working men as to enable them to compete successfully with the public-house. She believed that intemperance might be met successfully in this way, and that it was the duty of those who had the means to assist in providing for working men what possibly their own means would be inadequate to supply, although they might be adequate to their support when once established.

The Rev. HENRY SOLLY read a paper on "The growing importance of Working Men's Clubs and Institutes." It was well known that the working men's club movement originated in a desire to find a remedy for the public-house system, and to find a substitute for that truly British institution. He maintained that the only conditions, as far as he was aware, under which working men could have friendly intercourse with people of other social positions, and secure mutual interchange of information and sympathy, were these working men's clubs and institutes. Such a plan as that of merely hiring a room for occasional meetings would be utterly inadequate, in fact, even worse than useless. With regard to the general questions of allowing the sale of alcoholic drinks to the members of clubs, he had long since become convinced that while clubs founded on the teetotal basis had done, and would continue to do, good in a certain direction, and among a certain number, the great majority of the working classes, especially the members of the large trade and friendly societies, and the men whom, above all, they wanted to bring over to better ways, namely, the moderate drinkers and comparatively steady men, would never be induced to join these clubs unless they could obtain there the refreshment to which they were accustomed, but would be drawn in large numbers to well-managed clubs where beer could be obtained. While the leading workmen all over the kingdom were thoroughly convinced of the value and importance of moving from the public house to social clubs and institutes, they had neither the time nor the money, unaided, to establish or exclusively manage such institutions. Hence the necessity, still as great as ever, of the earnest and liberal support of the middle and upper classes of society.

Mr. J. MYERS GARDNER read a paper on "The Leeds Benevolent

and Strangers' Friend Society." On Christmas Day, 1789, the society was formed for the relief of the industrious poor of all denominations in the town of Leeds in the time of sickness or accidental distress. A committee was appointed to visit all applicants for relief, and proportion the amount subscribed weekly among those found deserving; and in 1802 both inquiring and handing visitors were appointed—an arrangement highly conducive to the satisfactory administration of the relief, being found a great safeguard against imposition, each case having thus to pass the scrutiny of two visitors. For about fifty years the Society had carried on its work of mercy the year through; but in 1848 the plan of husbanding the funds in summer for the greater distress the winter brings was adopted, and has been continued ever since. Relief is now generally given in money and in sheets and counterpanes, and is confined entirely to those in distress in the time of sickness. The records of the Society show many large efforts in conjunction with other relief committees to relieve special distress—at these times not, of course, limiting their work to the sick. Visiting and inquiry at the homes of the applicants was always, however, a *sine qua non*. In three months in 1830, 22,833 personal visits were made, and 255*7l.* was dispensed amongst 2553 families. The visitors recommend attention to sanitary matters, and frequently insist on a small portion of the grant made being used for cleaning the houses. Besides having two staffs of visitors the queries put to all applicants, the records kept for comparison with their answers, and the intimate knowledge the visitors gain of the various localities tend to prevent impostors from troubling the Society and the funds from being needlessly wasted. The amount given to each case varies from 5*s.* to 21*s.*, and the income of a family must not exceed 2*s.* 6*d.* per head per week to entitle them to relief, excepting under special circumstances. The many visits of sympathy thus paid to the homes of the poor, the feeling that they have friends in time of need, and the fact that a staff of experienced visitors are ever ready, in case of urgent need, to visit and relieve their poorer brethren, and are ever watching, in some degree, over their health, tend to foster that cordial understanding so desirable to exist between class and class.

A paper on "The objects of the Leeds' Social Improvement Society" was read by Mr. JAMES HOLROYD. He said it attempted by organization to meet some of the social difficulties existing in Leeds. It was originated as the result of an inquiry into the social condition of the borough, and particularly of its poorer classes, with reference, first, to real and deserving want, and the means existing for relieving it; secondly, to the condition and number of mendicants; thirdly, to the sanitary condition of the borough, and particularly of the dwellings of the very poor; fourthly, to the special physical causes of crime and destitution; fifthly, to the best means to promote the social and moral elevation of the poor. The conclusions resulting from the inquiry were embodied in a report, and adopted

as the basis of a society constituted with the following objects :— First, to secure the relief of deserving distress, and repress mere mendicity; secondly, to aid the improvement of the sanitary condition of the borough ; thirdly, to promote the necessary steps to improve the dwellings of the very poor ; fourthly, to give attention to such requirements as are necessary to the social welfare of the various classes of the community, and to promote beneficial intercourse between them. The Society found employment for women in washing and similar work ; and also suitable work for youths and men. One great object of the Society was to amalgamate charitable effort.

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